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22

Community leaders meet following recent widespread clashes between Tamils and Muslims in Muttur in eastern Sri Lanka (above)
A group of members of the LTTE's political committee recently visited Norway and Sweden to study federalism at work (below)

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"I do not agree with a word of what you say, but I'll defend to the death your right to say it."
-Voltaire

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Return to the Negotiating Table

BY any analysis, the ongoing peace process and the 14-month-old ceasefire between the Government and the LTTE have been the most positive development in the recent history of Sri Lanka especially with regard to the ethnic conflict. The ceasefire has given the people, particularly those from the war-torn areas of the Northeast of the island, a period of respite from the horrors of armed conflict that has blighted their lives for over two decades. The peace process has also raised the hopes among a war-weary people that at last they are on a road to realizable peace.

However, the recent announcement by the LTTE leadership that they are suspending participation in the talks with the Government has inevitably resulted in gross disappointment among the majority of the people. The talks scheduled to commence on 29 April remain suspended, and as things stand the LTTE will not be attending a meeting of donor countries in Tokyo to be held in June later this year.

The reasons given for the LTTE's decision include the non-vacation of troops from public and private properties in Jaffna in the north and the non-implementation of earlier decisions relating to the 'normalisation aspects of the Ceasefire Agreement'. Whatever the delay or reluctance in dealing with these issues, they could have been and ought to be addressed within the negotiating process without recourse to shock tactics such as suspension of talks.

But the immediate and primary reason given by the LTTE for the suspension of talks is its exclusion from the preparatory meeting of donor countries held in Washington on 14 April. It is conceded by the LTTE that the "United States has legal constraints to invite representatives of a proscribed organisation". However, the LTTE's charge is that Norway and Sri Lanka should have chosen an appropriate venue to facilitate LTTE's participation, and their failure to do so was "deliberate" and a "grave breach of faith". On behalf of Norway and Sri Lanka, it has been explained that Washington was chosen to coincide with the meeting of the World Bank/International Monetary Fund that had already been fixed so that better attendance at the desired senior level could of assured at the Sri Lanka donors' meeting. In a climate a trust and confidence, the explanation would normally have been accepted without charges of breach of faith. After 14 months of ceasefire and six months of peace talks (lasting over 20 days and not ignoring the many other formal and informal meetings at officer level), one would have thought that the parties would have built a level of mutual trust of and confidence. It is unfortunate single incidents such as one complained of are permitted to overshadow the primary objective of both parties to reach a political settlement to the conflict.

One hopes that the LTTE's decision to suspend participation in peace talks is only temporary. It is reassuring to note that, in response to the United States Ambassador, the LTTE's chief negotiator Mr Anton Balasingham has stated that they have not "terminated the negotiating process or walked away from talks".

The Washington meeting was only a preparatory one for the more important meeting of donor countries to be held in Tokyo in June where crucial decisions are going to be made in respect of resources needed for programmes of rehabilitation, reconstruction and redevelopment of the war-torn Northeast as part of the commitment of these countries to supporting the peace process. If the LTTE is committed to serving the wider interests of the Tamil people, its leadership would be well advised to attend and participate in that meeting. The sooner they announce their readiness to return to the negotiating process, better it would be for the restoration of faith and confidence in the peace process among the people.

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Peace Process Reaches Crisis Point

The peace process in Sri Lanka reached a crisis point with the announcement by the Tamil Tigers on 21 April that they were pulling out of the peace talks due to be held in Thailand from April 29 to May 2 and also from attending an international donor conference to be held in Japan in June.

No doubt the primary cause that led to the LTTE's decision was its exclusion from a meeting of donor countries held in Washington on April 14.

In conveying the decision of the Tiger leadership, LTTE's chief negotiator Mr Anton Balasingham, in a letter to Prime Minister Ranil Wickremasinghe, referred to "the exclusion of the LTTE from the crucial international donor conference held in Washington on 14 April 2003 in preparation for the major donor conference to be held in Japan in June" describing it "as a grave breach of good faith." He added that the "exclusion of the LTTE from this conference has severely eroded the confidence of our people in the peace process."

Mr Balasingham's letter further letter further alleged that the progress made in the peace talks had not been "matched by any improvement in the continuing hardships being faced by our people as a result of your government's refusal to implement the normalisation aspects of the Ceasefire Agreement and subsequent agreements reached at the talks."

The letter also referred to the presence of thousands of troops in the north, their failure to vacate public buildings and the denial of the right of displaced people to their homes. It also alleged that the government's 'Regaining Sri Lanka' document "completely lacked any form of identified goals for the northeast" and requested the government to "re-evaluate its economic development strategy to reconstruct the Tamil nation destroyed by war."

Following the dispatch of Balasingham's letter to the Prime Minister conveying the LTTE's decision to suspend participation in talks, the political head of the LTTE, S P Tamilchelvan, sent a letter to B.A. Goonetilleke of the Peace Secretariat in Colombo stating, "In accordance with the decision of our organisation's leadership to suspend our participation in the negotiations, we regretfully wish to postpone the next meeting of the Sub committee on Immediate Humanitarian and Rehabilitation Needs (SIHRN). It is our leadership's wish to await action and implementation on urgent matters raised by Dr. A. Balasingham in his letter to the Prime Minister Mr. Ranil Wickremesinghe, prior to getting a date for the next meeting."

Commentators believe that the decision to suspend peace talks with the Government puts to the test the entire peace process and the 14-month-old ceasefire between the Government and the LTTE.

Brinkmanship

Some commentators have accused the LTTE in indulging in brinkmanship describing "the LTTE withdrawing from peace talks is not only a challenge to Sri Lanka and to the international community but it also is an opportunity for the Government to assert its rightful place in its relationship with the LTTE."

Exclusion from the meeting of Donors in Washington is one of the reasons that the LTTE has adduced for withdrawing from the peace talks. While conceding that as long as the Tigers continued to a banned organization in the US they could not have attended the meeting in Washington, they had suggested that it could have been held in some other capital where the LTTE would not have suffered from such a disability. However, it must be noted that the venue for the donors' meeting was chosen taking the opportunity of the World Bank/IMF meetings that were being held at the same venue in Washington at this time. If the meeting was organised elsewhere one could not have expected high-level attendance as it occurred in Washington on this occasion.

It is said that Prime Minister Ranil Wickremesinghe, who has been the main target of attacks by opposition parties that his government had given too much away to the Tigers without anything in return, has been particularly hurt not only by the LTTE's action in announcing the unilateral suspension of the negotiating process, but also with the contents of Mr Balasingham letter which contained a series of what he regards as baseless accusations. Mr Balasingham's reported refusal to meet Prof G L Peiris, the government's chief negotiator and the Norwegian facilitator Eric Solheim in London is also seen in government circles as an act of discourtesy. Minister Peiris was in London along with Mr Eric Solheim to discuss the upcoming talks with Mr. Balasingham on various issues raised during the last round of peace talks. Minister Peiris's arrival in London was in accordance with the previous arrangement made after both parties agreed in Hakone Japan to discuss further before the next round of talks to take place on at the end of this month.

Tokyo meeting

It is understood that, while the Sri Lankan government would do its utmost to persuade the LTTE attend the mega "Aid Lanka" consortium meeting in Tokyo scheduled to be held in early June, it would go ahead and have the meeting without the LTTE if it chose to persist in its boycott. The view seems to be that if a donors' conference could have been held without the LTTE in Washington on April 14, which turned out to be a success, it also could be done in Tokyo. It is suggested that the United States and India may back such a move if the LTTE continues the boycott of the negotiating process. A Hindustan Times report, quoting Indian sources said that a LTTE boycott of the Tokyo meet would pave the way for India's participation. That India is interested in the multilateral effort to fund development in the North East was demonstrated when its Ambassador in the US took part in the mini donors' conference in Washington on April 14. LTTE's absence had paved the way for India's presence there, the report said.

It is said that there two schools of thought within the Government as to the approach to be taken in respect of the Tokyo conference of donor countries. One feels that Tokyo must be held, LTTE or no LTTE, because the US, UK, and India, the most important powers, will back it. The influential Minister Milinda Moragoda appears to be firm in the belief that that the government should go ahead with the June donor meeting irrespective of whether the LTTE attends it or not.

The other group feels that Tokyo, without LTTE, may prove to be counter-productive. It fears that the LTTE will be further alienated and peace and investment may be jeopardised as a result. The European donors may shy away from the scene if they see the prospects of peace dimming.

However, at present it is clear that if the LTTE does not water-down its stand and does not respond to the overtures that may be made in the next few weeks, Colombo may opt to have the Tokyo conclave held without the LTTE. The US and India may be expected to support this. And Japan may also do so, in line with its pro-US tilt.

However, Prime Minister Wickremesinghe would go step by step, and not rush

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into any precipitate action, sources close to him say. According to them, in his detailed reply to LTTE chief negotiator Anton Balasingham's letter, he is expected to point out that the equivalent of $ 25 million had already been spent in the Tamil North Eastern province since the MOU was signed in February 2002.The areas covered were infrastructure development, health, education, relief, resettlement and rehabilitation. He would draw the LTTE's attention to the many projects that his own "Regaining Sri Lanka" project had earmarked for the Tamil areas.

US vs LTTE

The US, which is fully backing the Norwegian facilitated peace process and the funding effort, showed its displeasure with a statement by its Ambassador in Colombo, Ashley Wills, reacting to the announcement by the LTTE that it was suspending the peace talks with the government of Sri Lanka. In a virtual defence of the government, Mr Wills said, "We have strongly supported the ceasefire even though we have also acknowledged it hasn't been implemented perfectly. Blame for this does not fall exclusively on the side of the Government, however, as the LTTE's statement suggested. The Tigers, too, bear heavy responsibility for numerous breaches of the ceasefire. While the talks are suspended, we urge the LTTE to reflect carefully on its own transgressions. Assassinations of opponents, intimidation of Muslims, taxation without representation, aggressive Sea Tiger behaviour and continued child recruitment do not build trust in the LTTE's intentions."

In his unrepentant response to US Ambassador Ashley Wills' admonitions, Balasingham fully justified the decision to suspend participation in the negotiating process for the time being. He categorically ruled out de-commissioning of weapons, even though he asserted that the LTTE had "abdicated all acts of armed violence since the signing of the ceasefire agreement."

However, sounding less confrontational, Mr Balasingham said that there was an "element of misunderstanding" between the Tigers and the United States. "Our intention is to pressurise the government to realise the urgency of the existential issues confronting our people and to impress upon them the importance of fulfilling pledges and decisions," he said. "We have not terminated the negotiating process or walked away from talks," Balasingham said, "We have not scuttled the peace process or terminated negotiations."

On the issue of decommissioning of weapons, Mr Balasingham was unrelenting and said, "... We do have military formations to protect our lands and our people. The ethnic conflict is not yet resolved and the threat of Sinhala military aggression of Tamil lands is not yet over.... Under these circumstances, decommissioning or abdication of arms is non- negotiable. The majority of the Tamil people will not agree with Mr Wills' perception that the maintenance of armed formations by the LTTE would not protect the Tamil rights, but rather create conflicts."

Efforts to end boy cott

It is said that the Norwegian facilitators, Foreign Minister Helgessen, Advisor Erik Solheim, and former Ambassador in Sri Lanka Jon Westborg, would try to make contact with the LTTE in London as well as Kilinochchi to get it to end its boycott. The Norwegians are expected to point out to the LTTE, that it would not be in the interest of the Tamil people themselves not to have the LTTE at the Tokyo conference, where funds to the tune of $ 1000 million could be pledged for the development of Sri Lanka, including the Tamil North Eastern province.

The International Monetary Fund (IMF) is optimistic that the Tokyo donor conference in June will prove to be a major step in securing the financial support for the overall development of Sri Lanka as a regional hub, IMF's Senior Resident Representative in Colombo Jeremy Carter told the press.

The IMF also unreservedly supports the peace process and hopes that the financial aid that Sri Lanka will get at the Tokyo donor conference, estimated at between US $ 1-1.25 billion, will be supportive of the economic programmes of the Government of Sri Lanka parallel with the peace process, Carter said. "We will be present in Tokyo as guests of the co-hosts and all should go well in June," he said.

He said that he expects the US$ 567 million (Rs. 54 billion), which was pledged for Sri Lanka last Friday in Washington would fund the Balance of Payments and said that the IMF looks forward for the Government to continue its sound economic policies and its ambitious structural reforms program. He clarified that these funds were not being used for deficit financing, but would enhance Sri Lanka's external reserves. It is the funding of other agencies such as the World Bank and the Asian Development Bank, which goes in for providing funds for deficit financing, he said.

Earlier, addressing a news conference at the IMF office in the Central Bank premises, he said that the IMF would not want a reversal of the peace process at any cost and said that the wish of the IMF was that the peace process would progress as rapidly as possible.

He said that he has every reason to believe that the Government would be making every endeavour to get the LTTE back on track with the peace process. He said that the Washington meeting was a resounding success and gained unprecedented support for Sri Lanka. It was a total turn around from the earlier totally battered image of Sri Lanka.

Japan also has expressed hopes for an early resumption of Government-LTTE peace talks and for the scheduled holding of the Tokyo conference. A press release by the Japanese Embassy referring to the latter sent by Mr. Anton Balasingham to Prime Minister Ranil Wickremesinghe, reiterating its support for the peace process in Sri Lanka, stated, "Japan therefore regards the forthcoming Tokyo Conference in June as an important opportunity to discuss the reconstruction and development of the whole of Sri Lanka, including the North and East and to demonstrate the unified commitment to the international community to the peace process in Sri Lanka." Japan sincerely hoped early resumption of peace talks. Japan also hoped that the Tokyo Conference would be held as scheduled with the participation of the LTTE, the release added.

Opposition moves

In the meantime, opposition political parties have asked that India should be brought in to monitor the ceasefire between the government and the LTTE. Speaking on behalf of the opposition, former Foreign Minister and presently foreign affairs advisor to President Kumaratunga said that New Delhi should be asked to send monitors to supervise the LTTE's Sea Tiger movements at sea where there have been several incidents with the Sri Lankan navy recently involving violations of the ceasefire. Kadirgamar, who had accompanied President Kumaratunga during her recent visit to India, expressed confidence that India would get involved in monitoring the ceasefire "We have had lots of informal discussions and we are confident that India would respond favourably," he told reporters.

The opposition charged that even after 14 months of the current negotiations, the Prime Minister and his negotiating team have yet not thought it fit to inform the country, the President and the Parliament and even, perhaps, most of the Cabinet, of the policy framework which should form the basis for negotiations.

Taking the opportunity of the LTTE suspending its participation in the peace talks, the opposition parties called upon

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the UNP government to insist on the LTTE to make a public declaration renouncing all forms of threat, duress and violence as a pre-condition for the continuation of talks. They said that the decommissioning issue should be unequivocally stated as "an indispensable part of the process of negotiation", to be pursued in parallel with other aspects of the negotiations, as in El Salvador and Northern Ireland.

The opposition parties did not approve the exclusive process of consultation presently being conducted between the LTTE and the UNP government under the auspices of the Norwegian government. They called for fuller and wider participation, in the ongoing talks of those who have legitimate claims to voice the aspirations of the various communities - ethnic, linguistic and religious - especially, the elected representatives of the people of the Northern and Eastern Provinces. They favoured a process of national consultations on the resolution of the conflict. "The Opposition parties wish to see human rights, governance and plurality questions vigorously pursued in the talks, if they are resumed", they said.

Mr Kadirgamar also said that the opposition parties feel that the time has come for a change in the composition of the Monitoring mission, as otherwise shown by the recent events at sea that grave damage could be caused not only to the sovereign interests of Sri Lanka but to the sovereign interests of our northern neighbour with whom we are linked and continue forever to be linked, by timeless bonds of history and common interest.

Mr Kadirgamar said that he had warned government from the commencement of the negotiations, that the Ceasefire Agreement (CFA) unbalanced and structurally flawed, giving the LTTE concessions that were unwarranted and unnecessary while placing the armed forces at a considerable disadvantage and rendering the Tamil democratic parties operating in the North and East vulnerable to attacks by the LTTE.

He further said that the opposition parties felt that the overt reasons given by the LTTE for their withdrawal from the negotiations were feeble. He indicated that in their view, the LTTE was only using a tactic to bring maximum pressure to bear on the UNP government to yield to its unreasonable demands as the price for returning to the negotiations, especially, in the context of its demands for recognition as a de-facto naval unit and withdrawal of the Armed Forces from the high security zones in Jaffna.

Change to SLMM proposed

A change in the composition of the Norwegian-led SLMM to include India as demanded by the joint opposition will not be possible unless the Tigers agree to alter the cease-fire agreement. The opposition wants at least three more countries including India to join the SLMM to monitor what it described as unlawful LTTE activities at sea.

If the SLMM is to be expanded to include other countries, including India, both the Government and the LTTE must agree to such expansion. "Under the agreement, the monitoring mission has to be headed by a person chosen by Norway. It has to comprise of representatives from Nordic countries - Norway, Iceland, Denmark, Finland and Sweden. It will remain Nordic unless parties to the cease-fire pact agree on modifications," a spokesman for the SLMM said.

It was not clear whether President Chandrika Kumaratunga obtained India's consent to propose the inclusion of Indians in the monitoring mission during her recent visit to New Delhi. Defence sources pointed out there was no likelihood of the Tigers agreeing to an Indian role in the SLMM. That would not be acceptable to them given New Delhi's policy on the LTTE which it has outlawed. Prabhakaran and his intelligence chief, Pottu Amman, are proclaimed offenders in India wanted for the Rajiv Gandhi assassination, the sources said.

Under the agreement even the composition of local monitoring committees and the number of such committees could not be altered without the parties to the February 22, 2002 pact agreeing. There are six local monitoring committees, each comprising five members — two each from the government and the LTTE and one expatriate — in charge of Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Ampara.

"Sea Tigers"

The issue of the status of the LTTE's naval wing, Sea Tigers, assumed prominence in the recent past because of its involvement in several incidents at sea with the Sri Lankan navy. In this background, the LTTE is understood to have sought formal recognition of their "Sea Tigers", as a navy on par with the Sri Lankan navy.

It is understood that the Sea Tigers' commander, Col. Soosai had asked for three things: 1) recognition for the Sea Tigers as a navy on par with the SLN; 2) the demarcation of a Line of Control (LoC) in the sea like the one on land; 3) and a prohibition against offensive action by the SLN in the absence of a SLMM monitor.

The proposals were made in response to the SLMM's, request to both the LTTE and the Sri Lankan government for suggestions to avert clashes in the sea, which, in recent months, had claimed 20 lives.

The LTTE formally staked its claim to a LOC in the sea through its political wing leader S P Tamilchelvan, when he met the head of the SLMM Maj. Gen Tryggave Tellefson in his headquarters in Kilinochchi on 9 April, according to the Tamil daily, "Sudar Oli".

The claim was justified on two grounds: Firstly, the ceasefire agreement had already recognised a LOC on land in several parts of the island, clearly demarcating areas under LTTE control from those controlled by the government. Secondly, the sea was as vital to the LTTE as land, because it is through the sea that the LTTE got its supplies. And it was the sea, which was under mounting surveillance by the Sri Lankan government. The navy's "Operation Waruna Kirana" had thrown a cordon around the northern and eastern seas, though the ceasefire agreement concluded in February 2002 did not specifically provide for such a security cordon.

Tamilchelvan reportedly told the SLMM that "Operation Waruna Kirana" was a violation of the ceasefire, as the agreement as such did not mention the Sri Lankan navy's right to intercept LTTE ships. But according to the Government, the agreement did not abridge the navy's right to safeguard the sovereignty and territorial integrity of Sri Lanka and that the LTTE had agreed to "Operation Waruna Kirana", albeit informally.

What followed was the SLMM's proposals, described as an "initial working paper" and authored by the head of the mission, Norwegian Maj Gen Tryggve Tellefsen, which seemed to be based almost entirely on the proposals made earlier by the LTTE's Sea Tigers' chief, Col Soosai. The proposals, scooped by *The Sunday Times*, immediately came under heavy flak from many quarters including the high command of the Sri Lankan Navy. According to *The Sunday Times*, SLN commander, vice admiral Daya Sandagiri, had sent a strong response to the Defence Ministry, and called for the outright rejection of the SLLM proposals.

The "initial working paper", suggested that the Sea Tigers must be recognised as a "de facto naval unit". It further proposed that the LTTE should be excluded from the law concerning limitations on Out Board Motors' horsepower.

The *Sunday Times* pointed out that the granting recognition to the Sea Tigers "will see the emergence of a new Navy in the Indian Ocean region even before a permanent peace accord is reached." The suggestion for the waiver of horsepower restrictions on Sea Tiger boats would im-

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mensely enhance the capabilities of the Sea Tigers, obviously to the detriment of the SLN, the paper said.

The Sunday Times defence correspondent, Iqbal Athas, wondered as to what impact the emergence of such a non-state, third navy, at India's southern doorstep, would have on India's security.

An article in *"The Hindu"* (24 April) by V. Suriyanarayanan reflected the security concerns of India in respect of a formal recognition of the "Sea Tigers" as a de facto naval unit as: "The series of incidents involving the Sea Tigers and the Sri Lankan Navy in the recent months has added a new dimension to the conflict. The confrontation is the direct consequence of the emergence of Sea Tigers as a credible fighting force in the Indian Ocean. It is also an expression of simmering differences between Mr. Soosai and Mr. Balasingham; the former feels that Colombo is soliciting the assistance of the U.S. to encircle the Tigers. According to him, the best option for the Sea Tigers is to assert their supremacy and force Colombo to grant them the status of a de facto navy. Unfortunately, the SLMM gives the impression that it is prepared to go to any length to humour the Tigers and persuade them to continue in the peace process. The emergence of Sea Tigers as a credible fighting force in India's immediate neighbourhood has serious security implications. India can ignore these developments only at its peril. New Delhi must make it clear to Colombo, the SLMM and the international community that the conferment of the status of a de facto navy on Sea Tigers would be an unfriendly act. New Delhi should also take up the Sethusamudram project on a top priority basis, so that the Navy and the Coast Guards can freely move around the Palk Bay and the Gulf of Mannar and keep constant vigil on India's maritime borders."

Prime Minister Ranil Wickremesinghe reportedly advised President Chandrika Kumaratunga at an emergency meeting called by her on 22 April that the government had rejected the LTTE's demand that its naval wing, the Sea Tigers (ST), be given "de facto" recognition on par with the Sri Lankan Navy.

Sources said that the government had rejected many other proposals made by the LTTE and the SLMM to avoid clashes in the sea between the Tigers and the SLN. Among the suggestions of the SLMM which now stand rejected are: 1) formulation of an agreed set of Rules of Engagement (ROE); 2) the maintenance of a distance of one nautical mile between the vessels of the LTTE and the SLN; 3) a sea lane for the LTTE for its non-military shipping.

In the government's view, there could be no common Rules of Engagement (ROE), because, as per the Memorandum of Understanding (MOU) and the Ceasefire Agreement (CFA) of February 2002, the Sea Tigers could not engage the SLN. The SLN retained the right to take action to safeguard the sovereignty and integrity of Sri Lanka. There was an implicit, if not explicit, sanction for the continuation of "Op.Waruna Kirana", the naval cordon off the North Eastern coast.

The government thinks that it will be impractical to stipulate that the vessels of the SLN and LTTE maintain a one nautical mile distance from each other. While maintaining such a distance will save SLN vessels from attacks by the LTTE's suicide boats, it will also prevent the SLN from closely inspecting and boarding LTTE vessels. As a policing force, SLN is expected to inspect and board suspected gunrunners or any vessel suspected to be engaged in some illegal activity.

The government had no hesitation in rejecting the LTTE's demand that it be accorded a Line of Control (LOC) stretching up to 200 nautical miles into the sea, along the North Eastern coast from the Jaffna peninsula to Trincomalee. Even the SLMM had not found this fit for inclusion in its "Initial Working Paper".

Following widespread criticism, the SLMM withdrew its proposals to "recognize Sea Tigers as a de facto naval unit" of the LTTE and to demarcate areas at sea for "live firing exercises" for them.

SLMM spokesman Teitur Torkelsson said in a statement said that the "second draft proposals" had been sent to the parties requesting them to forward their comments before April 30. He said that a "final composition of the Sri Lanka Armed Forces should be reached at the peace talks."

Government confident

Government spokesmen would appear to be confident that the issues that led to the temporary suspension of talks with the LTTE could be resolved before June, ahead of the crucial donor conference scheduled to be held in Japan.

Constitutional Affairs Minister Prof. G.L. Peiris said that all measures were being taken to ensure that "the necessary backdrop is created" for talks to resume and to iron out the differences with the Tigers.

"It would be in the best interests of the LTTE to attend the donor parley as that would provide them an opportunity to have access to vital resources to develop their areas," he noted.

"I also want to say that this is not a surprising development. At the very beginning of the peace process, Prime Minister Mr.Ranil Wickremasinghe categorically stated that there would be ups and downs and it was not going to be a smooth operation. The Prime Minister further stated that the country should be prepared to witness setbacks and one party or both parties would walk away from the talks.

"You should also be aware that in all peace processes, in different parts of the world and in different cultural settings, there had been developments of this nature. The South African peace process took five and a half years. During that period, on one occasion Mr.Nelson Mandela told the African National Congress that the peace process was over and they were going back to war. There was a ten-month period in South Africa when multilateral peace talks were suspended. In Northern Ireland, even after the agreement has been signed it has broken down. So these are not unique developments in the Sri Lankan situation."

Appeal to resume talks

Leading members of the clergy have appealed to the Government and the LTTE not to go back to war and to resume peace talks immediately to find a negotiated political settlement to the ethnic conflict.

The Archbishop of Colombo Most Reverend Oswald Gomes on behalf of the Sri Lanka Bishops' Conference in a press release on 25 April said that they firmly hope that all groups involved in the peace process will work hard to resume peace talks.

He expressed optimism that the LTTE would resume peace talks that would lead the country to find a political solution ensuring equal rights that would also take the country towards prosperity.

Rev. Dr. Thomas Savundaranayagam, Bishop of Jaffna, in an urgent letter sent to the leaders of GOSL and LTTE, to resume dialogue and to show in deed what have been agreed in discussions. "Suspension of talks has shocked and confused Tamil people. On behalf of the Tamil people who are still waiting to see improvement in living conditions, I urge both parties to approach talks with an open mind with the future prosperity of people at heart," the Bishop said.

A leading Buddhist priest Venerable Siyamabala Wimalasara Thera of Vavuniya appealed to the government and the LTTE not to think of a war at this critical juncture but to work hard to resume the peace talks that would pave way for the bright future of the country where all communities could lead harmonious life. The Ven Wimalasara Thera further said majority of the Buddhist monks in the

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LTTE pull-out from peace talks

In a letter addressed to the Prime Minister Ranil Wickramasinghe, the LTTE chief negotiator Mr Anton Balasingham said that the LTTE leader Velupillai Prabahakaran had advised him to inform the government that the LTTE had decided to suspend negotiations with Sri Lanka government.
The following is the full text of Anton Balasingham's letter to the Prime Minister:

"In accordance with the decision of our leadership I am advised to bring to your urgent attention the deep displeasure and dismay felt by our organisation on some critical issues relating to the on-going peace process.

You are well aware that the Ceasefire Agreement that has been in force for more than one year and the six rounds of peace negotiations between the principal parties has been successful, irrespective of the occurrence of some violent incidents that endangered the peace process. The stability of the ceasefire and the progress of the peace talks, you will certainly appreciate, are the positive outcome of the sincere and firm determination of the parties to seek a permanent resolution to the ethnic conflict through peaceful means. The cordial inter-relationship, frank and open discussions and the able and wise guidance of the facilitators fostered trust and confidence between the negotiators and helped to advance the talks on substantial levels. The negotiating teams were able to form important sub-committees on the basis of equal and joint partnership. During the early negotiating sessions it was agreed that the Government of Sri Lanka and the LTTE should work together and approach the international community in partnership. The Oslo Donor Conference held on 25 November 2002 turned out to be an ideal forum for such joint endeavour.

The LTTE has acted sincerely and in good faith extending its full co-operation to the government of Sri Lanka to seek international assistance to restore normalcy and to rehabilitate the war affected people of the northeast. The LTTE to date has joined hands with the government and participated in the preparation of joint appeals and programmes. In spite of our goodwill and trust, your government has opted to marginalize our organisation in approaching the international community for economic assistance. We refer to the exclusion of the LTTE from the crucial international donor conference held in Washington on 14 April 2003 in preparation for the major donor conference to be held in Japan in June. We view the exclusion of the LTTE, the principle partner to peace and the authentic representatives of the Tamil people from discussions on critical matters affecting the economic and social welfare of the Tamil nation, as a grave breach of good faith. Your government, as well as our facilitator Norway, are fully aware of the fact that the United States has legal constraints to invite representatives of a proscribed organisation to their country. In these circumstances an appropriate venue could have been selected to facilitate the LTTE to participate in this important preparatory aid conference. But the failure on the part of your government to do so gives cause for suspicion that this omission was deliberate. The exclusion of the LTTE from this conference has severely eroded the confidence of our people in the peace process.

As you are aware, considerable optimism and hopes were raised among the people when your government, shortly after assuming power, entered into a ceasefire agreement with our oganisation, bringing to an end twenty years of savage and bloody conflict. Expectations were further raised when both sides began direct negotiations with Norwegian facilitation. In particular, there was a justifiable expectation that the peace process would address the urgent and immediate existential problems facing the people of the north and east, particularly the million people who are internally displaced by the conflict and are languishing in welfare centres and refugee camps.

As such, the Ceasefire Agreement included crucial conditions of restoring normalcy which required the vacation, by occupying Sri Lankan troops, of Tamil homes, schools, places of worship and public buildings. Despite the agreed timeframe for this evacuation of troops, which has since passed, there has been no change in the ground situation. We have repeatedly raised the issue of continuing suffering of our people at every round of talks with your government. Your negotiators' repeated assurances that the resettlement of the displaced people would be expedited have proven futile. The negotiations have been successful in so far as significant progress has been made in key areas, such as the agreement to explore federalism on the basis of the right to self-determination of our people. But this progress has not been matched by any improvement in the continuing hardships being faced by our people as a result of your government's refusal to implement the normalisation aspects of the Ceasefire Agreement and subsequent agreements reached at the talks. As a result, considerable disillusionment has set in amongst the Tamil people, and in particular the displaced, who have lost all hope the peace process will alleviate their immense suffering.

Though there is peace due to the silencing of the guns, normalcy has not returned to Tamil areas. Tens of thousands of government troops continue to occupy our towns, cities and residential areas suffocating the freedom of mobility or our people. Such a massive military occupation of Tamil lands, particularly in Jaffna densely populated district - during peace times denying the right of our displaced people to return to their homes, is unfair and unjust. Your government, in international forums, continues to place poverty as the common phenomenon affecting the entire country. The Poverty Reduction Strategy forms the essence of the document "Regaining Sri Lanka" which defines the macro-economic policy of your government.

Though poverty and poverty alleviation constitute the centrality of the new economic vision of your government as exemplified in 'Regaining Sri Lanka' the document fails to examine

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the causality of the phenomenon of poverty, the effects of ethnic war and the unique conditions of devastation prevailing in the northeast.

In our view, the conditions of reality prevailing in Tamil areas are qualitatively different from southern Sri Lanka. The Tamils faced the brunt of the brutal war. Twenty years of intense and incessant war has caused irreparable destruction to the infrastructure in the northeast. This colossal destruction augmented by continued displacement of the people and their inability to pursue their livelihoods due to military restrictions and activities have caused untold misery and extreme poverty among the people of the northeast. Continued displacement has also depleted all forms of savings of these people disabling them from regaining their lives on their own.

The war-affected people need immediate help to regain their dignity. They need restoration of essential services to re-establish their lives. Reconstruction of infrastructures such as roads, hospitals, schools and houses are essential for them to return to normal life.

The poverty that is prevailing in southern Sri Lanka is a self-inflicted phenomenon, caused by the disastrous policies of the past governments (both the UNP and the SLFP) in dealing with the Tamil national conflict. In its fanatical drive to prosecute an unjust war against the Tamil people, the Sinhala state wasted all national wealth to a futile cause. The massive borrowings to sustain an absurd policy of "war for peace" by the former government caused huge international indebtedness. The economic situation of the south has been further worsened by the mismanagement of state funds, bad governance and institutional corruption. Therefore, the conditions prevailing in the south are distinctly different from the northeast where the scale and magnitude of the infra-structural destruction is monumental and the poverty is acute. Ignoring this distinctive reality, your government posits poverty as a common phenomenon across the country and attempts to seek a solution with a common approach. This approach grossly under states the severity of the problems faced by the people in the northeast.

The government's 'Regaining Sri Lanka' document completely lacks any form of identified goals for the northeast. Statistics presented for substantiating the policy totally ignore the northeast and solely concentrate on southern Sri Lanka. However, this has been promoted as the national strategy to the international community to seek aid. It is evident from this that the government lacks any comprehensive strategy for serious development of the northeast. The Poverty Reduction Strategy fails to address the poverty of the northeast as distinct from the rest. In seeking international assistance your government disingenuously speaks of reconstruction being needed in all areas, thereby masking the total destruction of the infrastructure of the northeast which has resulted from the militarist policies of the past three decades.

As we pointed out above, the exclusion of the LTTE from critical aid conference in Washington, the non-implementation of the terms and conditions enunciated in the truce document, the continuous suffering and hardship experienced by hundreds of

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LTTE should return to negotiations, says US

"We have strongly supported the ceasefire even though we have also acknowledged it hasn't been implemented perfectly. Blame for this does not fall exclusively on the side of the Government, however, as the LTTE's statement suggested. The Tigers, too, bear heavy responsibility for numerous breaches of the ceasefire. While the talks are suspended, we urge the LTTE to reflect carefully on its own transgressions. Assassinations of opponents, intimidation of Muslims, taxation without representation, aggressive Sea Tiger behaviour and continued child recruitment do not build trust in the LTTE's intentions," United States Ambassador in Colombo Mr Ashley Wills said on 24 April reacting to the announcement by the LTTE that it was suspending the peace talks with the government of Sri Lanka.

Question - What is the U.S. reaction to the Tigers' pull-out from the talks?

Answer - We regret the decisions by the LTTE to suspend its participation in the Sri Lankan peace talks and not to attend the Tokyo Donors Conference scheduled for June.

We've reviewed carefully the ostensible reasons for these decisions cited in Mr. Balasingham's letter to the PM. We do not find them convincing. A well-intentioned party that truly wants a peaceful, political settlement to Sri Lanka's conflict could deal with such grievances at the negotiating table. I'm not saying I don't understand Tamil frustration over certain issues, but people must remember that the war is not conclusively and officially over. High-security zones, resettlement, development - these are all issues that need to be negotiated and dealt with. But if the LTTE wants to represent Tamil interests, it has to participate in the negotiations, not walk away from them.

We call on the Tigers to reconsider and to return to the negotiating track. We also call on the LTTE and the Government of Sri Lanka to honor the terms of the ceasefire even while talks are suspended. In the meantime, this interregnum in the talks could prove useful by giving both parties the opportunity to recommit themselves to negotiations. We have strongly supported the ceasefire even though we have also acknowledged it hasn't been implemented perfectly. Blame for this does not fall exclusively on the side of the Government, however, as the LTTE's statement suggested. The Tigers, too, bear heavy responsibility for numerous breaches of the ceasefire. While the talks are suspended, we urge the LTTE to reflect carefully on its own transgressions. Assassinations of opponents, intimidation of Muslims, taxation without representation, aggressive Sea Tiger behaviour and continued child recruitment do not build trust in the LTTE's intentions.

We continue to believe that the way out of Sri Lanka's ethnic conflict is through negotiations facilitated by the Government of Norway. And for our part we remain willing to do whatever we can to assist Sri Lanka as it tries to bring an end to this ugly war.

Question - What about the charge the LTTE makes that Tamils are seeing no development, no peace dividend?

Answer - We think that expectations in Sri Lanka - in the north and in the south too - are way too high regarding economic development. Patience is in order. Tamils, Sinhalese, indeed all Sri Lankans must understand that economic development takes time and unfolds most quickly in conditions of lasting peace. And Sri Lanka doesn't yet live in conditions of permanent peace. I don't mean to sound condescending, but sometimes I get the impression that some people in Sri Lanka expect an economic miracle now. Rome wasn't built in a day. Neither will Kilinochchi or Trinco, or Hambantota be developed as quickly as we would all like. I obviously don't speak for all the donors, but it is my impression that many programs are already underway in Sri Lanka's north and east. For example, demining, by the U.S. and others, is underway and other developmental activities are happening as well. So to allege that nothing is going on is unfair. And to suggest that conditions haven't improved distorts the truth. It is also my impression that Sri Lanka's friends intend to be a lot more generous, and they intend to see that their money reaches undeveloped, deserving areas of the north and east - because that's where the devastation has been greatest - but also areas of the south.

Mr. Balasingham's letter makes it sound like it was only the mismanagement of previous Colombo governments that impoverished the south of Sri Lanka, and that the devastation of the north and east is all Colombo's fault. That's ludicrous. Successive governments down here in the south have

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thousands of internally displaced Tamils, the aggressive Sinhala military occupation of Tamil cities and civilian settlements, the distortion and marginalisation of the extreme conditions of poverty and deprivation of the Tamils of the northeast in the macro-economic policies and strategies of the government have seriously undermined the confidence of the Tamil people and the LTTE leadership in the negotiating process. Under these circumstances the LTTE leadership has decided to suspend its participation in the negotiations for the time being. We will not be attending the donor conference in Japan in June. While we regret that we were compelled to make this painful decision, we wish to reiterate our commitment to seek a negotiated political solution to the ethnic question. We also urge the Government of Sri Lanka to restore confidence in the peace process amongst the Tamil people by fully implementing, without further delay, the normalisation aspects of the Ceasefire Agreement and permit the immediate resettlement of the internally displaced people of the northeast. We also request the government to re-evaluate its economic development strategy to reconstruct the Tamil nation destroyed by war." ❐

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made many mistakes, that's certain, but if blame is being distributed fairly, the LTTE deserves a great deal as well. Its pursuit of an extreme, separatist agenda, by violent means, has cost Sri Lanka's north and east, but the rest of Sri Lanka too, thousands of lives and 20 years of peaceful development. Let us not forget that we need to undo the damage caused by some two decades of war and terror and even more years of failed economic policies. That will not be done overnight. I should also point out that it is my sense that Sri Lanka's donors are properly modest about the impact of their assistance. It will be substantial, yes, and in certain areas it may be decisive in improving people's lives. But we donors know that in general foreign assistance can only be catalytic. The biggest difference in economic terms will be made by national and local governments' adopting the right policies. And in today's world, my government believes that the right policies are those that favor the private sector and individual initiative. Government has its role - in educating people, in building infrastructure, in helping the poorest people, in protecting individual and property rights - but it is Sri Lanka's own people, engaged in business dealings with one another and with outsiders - who will make this country rich.

On this important point, it would be a good thing for the LTTE to declare its intentions. The Sri Lankan Government must do a much better job of delivering services and assistance. It's way too slow and bureaucratic. We are not blind to the faults of the Colombo Government. But what is the LTTE's economic ideology? Is it going to try to control everything? Is it hoping to pursue autarkic policies that isolate the north and east from the rest of Sri Lanka? I'm confident the donors will not agree with that. Or is it going to accept that the best way to help the Tamil people is to connect them to the rest of Sri Lanka and let their phenomenal talents find expression and wealth in a richer,wider context.

Question - You seem pretty skeptical about the LTTE. What can the Tigers do to find acceptance?

Answer - The Tigers want to be treated respectfully and seriously. My government understands that. But as our Deputy Secretary of State, Richard Armitage, said recently, we can see a legitimate political role for the LTTE provided it renounces terrorism and violence. The time for fighting has long since passed. The LTTE's leadership likes to portray itself as brave . . . well, a truly courageous thing would be for that leadership to give up violence and even the threat of violence and push for a permanent peace now. I've heard Tamils say that they may not like the LTTE's tactics but they need the Tigers to protect them. I think that's completely wrong. The outlines of a settlement have been pretty clear for years, at least since the mid-90's. Some sort of devolution of power that gives Sri Lanka's north and east - merged or not - considerable autonomy is in order. Call it internal self-determination if you like. Call it federalism if you like. But Sri Lanka should remain united. And be diverse and democratic. Local governments likely will matter more than they do now.

That's the best way to protect Tamil and Sinhala and Muslim rights and, most of all, individual rights. The LTTE's weapons and armed cadre aren't protecting Tamil rights; they're prolonging this conflict and delaying the day when Tamils can live in truly peaceful conditions.

And now that the world is paying attention to Sri Lanka as never before, the international community will be watching closely to see that no one's rights get abused systematically once a final settlement is done. If the LTTE wants respect, it should accept this and engage the Government to settle on the terms for a new Sri Lanka. It should not pull out of the talks. And it should go to Tokyo. It doesn't want to miss this opportunity to represent the Tamil people, to be identified with the decisions that are coming that will apportion donor money. If Tamils are leery

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Opposition parties condemn LTTE pull-out from talks

The opposition parties in parliament - SLFP, JVP,LSSP,CP,MEP and NUA.- in a joint statement strongly condemned the LTTE's unilateral suspension of talks and accused the UNF government of making a blunder by signing a ceasefire agreement that was "unbalanced and structurally flawed."

The Opposition statement said:

"The Opposition parties view with concern the decision of the LTTE to suspend its participation in the negotiations for the time being and not to attend the scheduled talks in Japan in June. However, the Opposition parties are not surprised at this turn of events. They warned the UNP Government from the start of the negotiations that the Ceasefire Agreement was unbalanced and structurally flawed and would seriously affect the sovereignty of Sri Lanka. The agreement gave to the LTTE concessions that were unwarranted and unnecessary while placing the Armed Forces at a considerable disadvantage and rendering the Tamil democratic parties operating in the North and East vulnerable to attacks by the LTTE.

"The overt reasons given by the LTTE for their withdrawal from the negotiations are that it was unjustifiably excluded from the recent Washington talks, that it had requested a change of venue which had not been granted, that the Ceasefire Agreement has not been implemented by the Government and that funds for development work are being earmarked essentially for the South rather than the North and East. The UNP Government will have to respond adequately to these allegations. The Opposition parties agree with President Kumaratunga that these reasons are feeble. We note in parlicular that the L TTE ignores the numerous serious violations of the agreement which they have committed, and continue to commit daily.

"In the view of the Opposition parties the LTTE's letter is a tactic to bring maximum pressure to bear on the UNP Government to yield to its unreasonable demands as the price for returning to the negotiations, especially in the context of its demands for recognition of a de facto naval unit and withdrawal of the Armed Forces from the high security zones in Jaffna. The people must be, and the Opposition parties will be, vigilant to ensure that the UNP Government does not accede to these demands or enter into any more secret understandings with the LTTE in the name of the peace process.

"The Opposition parties have expressed their opposition to the attempt by the Head of the Monitoring Mission to undermine the sovereignty of Sri Lanka. He has proposed in a so-called discussion paper which contains no contrary possibilities for discussion, that "in the spirit of the agreement the Government, and especially the Sri Lanka Navy, should recognise the LTTE Sea Tigers as a de facto Naval unit and the LTTE should be excluded from the law concerning limitations on outboard motors (OBM's)" that the Navy and the Sea Tigers should have "specific marked exercise and training areas at sea designed for navigation, training and live firing exercises". These, and other, preposterous propositions indicate clearly that the Nordic Monitoring Mission is contemptuous of Sri Lanka's sovereignty and is heavily biased in favour of the LTTE. Therefore the Monitoring Mission and its present Head have lost the confidence of the Opposition parties.

"The Opposition parties wholeheartedly support the Navy Commander in his opposition to the proposal of the Monitoring Mission with regard to the status of the LTTE's Sea Tigers. Likewise they wholeheartedly support the Army Commander of the North on his stand regarding the withdrawal of the Armed Forces from the high security zones in Jaffna.

"All States and parties involved in the negotiations must realise that the sovereignty of Sri Lanka is not a tradable commodity; it is not negotiable and cannot be compromised. The UNP Government should note well the feelings of the people of Sri Lanka on this matter and act accordingly. The Opposition parties, who together currently represent the majority of voters in Sri Lanka, cannot countenance developments in the talks or on the ground that jeopardise the territorial integrity, unity and sovereignty of Sri Lanka. This is a paramount consideration to which the Opposition parlies are deeply and irrevocably committed.

"The LTTE's letter regarding withdrawal from the ongoing talks comes in the wake of serious clashes at sea, the harassment of the Muslim community in the East, the demand for the withdrawal of the Armed Forces from the high security zones in Jaffna, the suppression of democratic political activity in the North and East and continued ceasefire violations. The LTTE has spoken publicly of already having in place a permanent administration, a standing Army, a standing Navy, Law Courts, Police stations, banks and other institutions. The Opposition views with great concern the continued abduction of children for compulsory military service, which is well documented by national and international agencies, The Sri Lanka Monitoring Mission has reported that, at the end of 2002, there had been 1403 recorded complaints against the LTTE in this connection, the Opposition parties express their appreciation of the courageous reporting by many journalists, in different sections of the media, on matters relating to the ongoing negotiations and national security. The work of Iqbal Athas, Defence Correspondent of the Sunday Times, on defence matters is especially praiseworthy.

"The Prime Minister and his negotiating team have not yet, after 14 months

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of Colombo-based governments, if they fear that they will be double-crossed - and I can understand why some Tamils would have such apprehensions - then the LTTE should be engaging, not suspending. If the LTTE makes positive moves, my government will acknowledge them and respond. But a truly warm American and international reaction can only come when the LTTE renounces terrorism and violence.

The Tigers's goal should be to make peace, and quickly. Too much blood has been spilled, too many opportunities for forgiveness missed. If I may quote an Indian politician: "It's impossible to shake hands with a clenched fist." And I might add that it's hard to shake hands with one's back turned. ❐

[The full text of an interview by Reuters with Ambassador Wills on April 24]

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of the current negotiations thought it fit to inform the country, the President and Parliament and perhaps even most of the Cabinet, of the policy framework which would form the basis for negotiations.

"The Opposition parties call upon the UNP Government firstly, to insist that the LTTE should make a public declaration renouncing 'all forms of threat, duress and violence as a condition for continuing with the talks, and secondly, that the decommissioning issue should unequivocally be stated to be 'an Indispensable part of the process of negotiation" which should be pursued in parallel with other aspects of the negotiations, as in El Salvador and Northern Ireland.

"Thirdly, the Opposition parties do not approve of the exclusive process of consultation that is presently being conducted between the LTTE and the UNP Government under the auspices of the Norwegian Government. They call for fuller and wider participation, in the ongoing talks of those who have legitimate claims to voice the aspirations of the various communities, ethnic, linguistic and religious, which have co-existed in Sri Lanka.

"The rapid expansion of the armed forces of the LTTE has taken the number of their cadres to unprecedented levels. All these actions reflect the LTTE's intention to create and dominate some kind of parallel governmental entity in the North and the East, not responsible to the central government, which could pave the way to the establishment of a separate State. The UNP Government is placating the LTTE. It seems unwilling or unable to stand its ground and is thus steadily compromising the sovereignty of Sri Lanka. Thus, a deep sense of anxiety has arisen in the minds of the people of Sri Lanka.

"These actions of the LTTE demonstrate a clear trend towards the consolidation of its authority in the Northern and Eastern Provinces which creates a grave risk of a separate State being established as a reality on the ground. In this regard the Opposition parties have continuously expressed their opinion and criticism but the UNP Government always considered these criticisms of the Opposition as an attempt to subvert the peace process, but the real situation has now become clear. It is the duty of the Opposition -a duty owed to the peopie - to ask questions and demand answers. The truth must be shared with the public.

"The Opposition parties also favour a process of national consultations on the resolution of the conflict. The Opposition parties wish to see human rights, governance and plurality questions vigorously pursued in the talks if they are resumed.

"The Opposition parties are deeply concerned about the present plight, and the future, of the Muslim community in the Eastern Province. Everything must be done to ensure their safety, and the safety of all the communities in the Northern and Eastern Provinces, Their safety cannot be left to the mercy of the LTTE.

"The signatory parties to this communique join in urging the President to take all necessary constitutional steps to protect the territorial integrity, unity and sovereignty of Sri Lanka and the security of its people. It is the responsibility of the Government to ensure that the

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Balasingham responds to US Ambassador

Mr Anton Balasingham, LTTE's chief negotiator, on 25 April denied that the Tamil Tigers had walked away from negotiations with the Sri Lankan government and said they were temporarily suspending talks "to provide time and space for the government to implement crucial decisions." Responding to comments by the United States Ambassador, Mr. Ashley Wills, the LTTE's Chief Negotiator and Political Advisor, Mr. Anton Balasingham said, "As the representatives of our people we reserve the right to express our displeasure if decisions at the talks are not implemented and bi-lateral agreements are not fulfilled."

The full text of the interview by TamilNet with Mr. Balasingham follows:

Q: Mr Ashley Wills, the US Ambassador to Sri Lanka, in a comprehensive interview with Reuters, has presented a critical review of the LTTE's position as set out in your letter to the Prime Minister Mr Ranil Wickremesinghe. What, in your view, is the central thrust of this argument? Do you agree with him?

Mr Balasingham: Mr Wills's central contention is that the LTTE should continue to engage the Government of Sri Lanka to address grievances rather than walking away from talks. There is an element of misunderstanding here with regard to our position. We have not terminated the negotiating process or walked away from talks. What we have decided is to temporarily suspend the talks to provide time and space for the government to implement crucial decisions, particularly the normalisation aspects of the Ceasefire Agreement. We have not scuttled the peace process or terminated negotiations. We intentionally created an interval, an interregnum for the government to take immediate and constructive measures to address urgent humanitarian issues faced by the Tamils. We have taken the talks very seriously and the implementation of the decisions at the talks more seriously. Our intention is to pressurise the government to realise the urgency of the existential issues confronting our people and to impress upon them the importance of fulfilling obligations, pledges and decisions. The internally displaced and the refugees have been languishing in refugee camps and welfare centres for more than ten years. Obligations under Ceasefire Agreement have not been fulfilled for nearly fifteen months. Our pleas for the last six months, during sessions of talks, to resolve the issue of resettlement have not been taken seriously. I don't think Mr Wills has understood the frustrations and the enormous suffering of the uprooted Tamils. The Ceasefire Agreement is a serious commitment by the parties in conflict, not only to cease armed confrontations but to create conditions to restore normal life to the Tamil civilian population also.

The Sri Lankan armed forces have yet to fulfill their obligations under the truce and continue to violate the fundamental rights of the refugees to return to their homes and villages. This is the problem in a nutshell. We are representing the interests of our people. As the representatives of our people we reserve the right to express our displeasure if decisions at the talks are not implemented and bi-lateral agreements are not fulfilled. Our decision to temporarily suspend negotiations giving time for the government to act is a fair and rational form of protest. We wish to assure Mr Wills that we have no intention of running away from the negotiating process or 'pulling out of the talks' as he puts it. We have reiterated our commitment to seek a negotiated settlement in our letter addressed to Mr Wickramasinghe.

***Q:** Mr Ashley Wills has reiterated the usual American position that the LTTE should renounce 'terrorism and violence' to be accepted and respected by the international community. He further says that the possession of weapons and the maintenance of armed formations by the LTTE are not going to protect Tamil rights but rather will prolong the conflict. What is your comment on this position?*

Mr Balasingham: Mr Wills as well as Mr Armitage have always advocated the renunciation of 'terrorism and violence' by the LTTE. The Americans are well aware that our organisation has already abdicated all acts of armed violence ever since we signed a Ceasefire Agreement. Yet we do have military formations to protect our lands and our people. The ethnic conflict is not yet resolved and the threat of Sinhala military aggression of Tamil lands is not yet over. Under these circumstances, decommissioning or abdication of arms is non-negotiable. The major-

(Continued from page 12)

Armed Forces are in a fit state of readiness to meet any eventuality that might occur.

"The Opposition parties feel that the time has come for a change in the composition of the Monitoring Mission. Otherwise, as recent events at sea have shown, grave damage could be caused not only to the sovereign interests of Sri Lanka but to the sovereign interests of our northern neighbour with whom we are linked, and will continue forever to be linked, by timeless bonds of history and common interest. India's concerns for the future of Sri Lanka in relation to her own interests deserve our respect and highest consideration. We note with concern that the naval conflict is fast becoming a regional problem relating to movements in the Indian Ocean. Thus monitors from India and two other countries should be invited to carry out the monitoring of unlawful LTTE activities at sea. (which excludes lawful passage) that are prejudicial to the interests of Sri Lanka and other concerned States.

"In conclusion, the Opposition parties reiterate their support for a peaceful and political resolution of the national question in Sri Lanka acceptable to all the communities of the country. However, the Opposition parties feel that the time has come when they must take the necessary steps with regard to the concerns of the mass of the people of the country at the direction in which the talks with the LTTE are moving." ❐

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ity of the Tamil people will not agree with Mr Wills's perception that the maintenance of armed formations by the LTTE would not protect the Tamil rights but rather create conflicts. On this issue the Tamils seriously differ with Mr Wills. Our people have suffered bitter historical experience of state terror and oppression extending over decades. The Tamils resorted to armed resistance as the last resort to defend their right to existence. Having gone through turbulent periods of state repression and armed resistance, of failed negotiations and betrayals, the Tamil people have genuine fears and anxieties with regards to their safe and secure existence. The Tamils are seeking, not only substantial political autonomy but also a security system that would permanently ensure the protection of their right to live peacefully with dignity and freedom in their historically given homeland. I sincerely hope that the Americans will appreciate and understand the aspirations as well as apprehensions of a people who have faced genocidal oppression from State terrorism and violence.

Q: Mr Wills argues that your theme that the economic deprivation of the south and the devastation of the northeast could not be blamed entirely on Colombo's misguided policies. He says that LTTE's violent 'separatist agenda' was also a contributory factor for the impoverished condition of the south. What do you say?

Mr Balasingham: Mr Wills agrees that successive Sri Lankan governments have made blunders. I stand by my view that the economic chaos of Sri Lanka is self-inflicted in the sense that disastrous militaristic policies based on heavy international borrowing coupled with bad governance, bureaucratic inefficiency and widespread corruption were the contributing factors for the collapse of the economic system. I do not deny the fact that the LTTE's defensive war campaigns that included strikes at the state's economic targets had disastrous effects on the island's economy. The LTTE's armed struggle can only be characterised as reactive violence against state violence, a form of resistance against intolerable repression. Mr Wills, who should be familiar with the evolutionary history of the armed resistance movement of the Tamils knows very well that successive Sri Lankan governments, until the assumption of the present regime, adopted rigid militaristic policies that intensified the conditions of war which brought colossal destruction of the Tamil nation and led to the economic collapse of the Sinhala nation. Apart from the causal problems of the conflict Mr Wills will certainly agree that poverty and deprivation prevailing in the northeast are far worse than that of the south.

Q: Mr. Ashley Wills suggests that the LTTE is expecting too much too soon by way of a peace dividend, that 'Rome wasn't built in a day' as he put it. How do you respond?

Mr Balasingham: There are two distinct issues here; firstly, the urgent and immediate problems faced by the Tamil people and secondly, the long-term economic development of the Tamil areas. The two should not be confused. As I have said, our present

(continued on next page)

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Washington Aid Lanka Meet and LTTE's Exclusion

D.B.S. Jeyaraj

"Indeed, I believe the negotiations between the Government of Sri Lanka and the LTTE have reached an important point, one where an infusion of international support can add an unstoppable force to this momentum of peace."

- Richard Armitage

"Some donors may, as a matter of policy, think it desirable to postpone granting us assistance until the current negotiations are concluded and a peace accord has been signed. We appeal to them to reconsider that approach in the circumstances of our case."

- Milinda Moragoda

The April new year - aluth avurudhu in Sinhala and puthu varusham in Tamil - is the major festival celebrated by both the Sinhala and Tamil people of Sri Lanka. The advent of the new year "subh anu" on April 14, brought in its wake a massive financial bonanza to the conflict ridden island currently enjoying a peace interlude. A two-day Washington seminar was convened on the day of the new year by the US State Department and Chaired by Deputy Secretary of State, Richard Armitage. It resulted in 'informal' pledges to allocate US $ 3. 5 billion over a three-year period for reconstruction and development of the war ravaged country.

Specific details of the aid package will be announced formally at the International Aid Meeting to be held in Tokyo on June 9 and 10 this year. The success of the Washington seminar, a precursor to the forthcoming conference in Tokyo, was a triumph for the government of Prime Minister Ranil Wickremesinghe in general and his Economic Reforms Minister, Milinda Moragoda in particular.

International support

Wickremesinghe's strategy of promoting rehabilitation and reconstruction as a prerequisite to resolving political issues had often been criticised as being lopsided and "putting the development cart before the conflict resolution horse." Now the international donor community seems to have accepted and endorsed it. As for Moragoda, ridiculed by opponents as an "American stooge", the outcome was a vindication of his efforts. The Washington conclave signalled strong US led international support for the peace process. Even as the country at large received tidings of this windfall with glee there was one entity that was sulking. The Liberation Tigers of Tamil Eelam (LTTE) had been excluded from the Washington parley on April 14 and 15. The LTTE has been designated as a 'foreign terrorist organisation' by the US State Department from October, 1997. Officially this prevented the US from inviting the Tigers.

The LTTE however took umbrage at this and issued a hard-hitting statement at this lack of inclusion. It also implied a possible boycott of the forthcoming Tokyo Summit threatening to review its decision to attend it. The scheduled aid meeting for reconstruction and development of Sri Lanka at Tokyo will have four co-chairs representing Norway, Japan, USA and the European Union. The Washington meeting was a preparatory seminar for that event.

It was also meant to demonstrate that the US was becoming increasingly "interested" in Sri Lankan affairs. The time and venue was determined to coincide with the spring meetings of the World Bank and International Monetary Fund in order to facilitate participation of key financial officials attending those sessions. The invitations were personally signed by US Secretary of State, Colin Powell and sent to 29 countries, 23 international organisations and two foundations. Twentyone countries and 16 organisations were present at the seminar held at the Loy Auditorium. A noteworthy attendee was Indian Ambassador to the US, Lalit Mansingh who reiterated India's commitment to the unity, sovereignty and territorial integrity of Sri Lanka. The high level presence of the Indian envoy at the conclave was quite significant against the backdrop of recent events.

New Delhi having proscribed the LTTE since May 1992 has displayed pronounced disdain in associating with the Tigers at any level. India boycotted a conference organised by the UNHCR at Kilinochchi in which the LTTE played a prominent role. When Norway, brokering the peace process in Sri Lanka, arranged a conference in Oslo on November 25 last year, the LTTE's Chief Negotiator Anton Balasingham also addressed it. India merely sent a third secretary from its Oslo embassy as an observer instead of the Envoy to Norway, Gopal Gandhi.

(Continued from page 14)

concern and intention is to pressurise the government to realise the urgency of the existential issues confronting our people. Hundreds of thousands of Tamils are being prevented from returning to their homes due to ongoing military occupation. The infrastructure of the Tamil areas, where the conflict has been raging, has been completely destroyed. We do not accept that the resettling of the displaced people and refugees, the restoration of normalcy or the rehabilitation efforts are matters to be addressed in the course of time. We have been stressing the importance of this from the outset of the peace process and are disappointed at the government's refusal to take this issue seriously. However, the long term development of the Tamil areas is something separate to be discussed and addressed in the future.

***Q:** The American Ambassador is questioning the economic ideology of the LTTE. What is your comment?*

Mr Balasingham: I can only say that we are in favour of an open market economy based on liberal democratic values. Specific economic policies and fiscal arrangements have to be worked out in more detail in the final framework of a system of federal government at a later stage. ❐

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Remarkable development

In that context the role played by Mansingh at the Washington seminar was a remarkable development. There is no doubt that the US was gratified by Indian participation as New Delhi's sensitivity towards developments in Sri Lanka is an acknowledged factor. It is doubtful whether India would have participated to this extent had the LTTE been invited. There was speculation in the Sri Lankan media that the LTTE was kept out by the US to ensure Indian attendance.

Deputy Secretary Armitage who presided dealt with the LTTE issue in his address and provided an explanation. "There is one partner to peace that is today conspicuous by its absence, and that is the LTTE. Now I know the Tigers are unhappy about their exclusion today, but let me explain their absence. The United States placed the LTTE on our list of foreign terrorists organisations back in 1997. That designation carries with it legal restrictions including a prohibition on issuing visas to members of the organisation for entry into the United States," he said. "And while it is safe to say that the United States is encouraged by the recent behaviour of the LTTE, we do not yet see a rationale for lifting the designation as a foreign terrorist organisation. Our position is crystal clear. The LTTE must unequivocally renounce terrorism, in word and in deed, if we are to consider withdrawing the designation. I think it is fair to say with the way the current negotiations are going, the United States can see a future for the LTTE as a legitimate political organisation, but it is still up to the LTTE to change this situation. It is up to them to demonstrate that they are capable and worthy of such legitimacy," he further said.

Continuing further Armitage said "For the LTTE and for the Government of Sri Lanka (GOSL) there are still many obstacles to overcome. Difficult issues still need to be addressed. And while much will depend on their political will, the success of the peace process ultimately will depend on tangible results. And it may well be that such results, at least in the near term, are simply beyond Sri Lanka's means, especially as it engages in a programme of sweeping economic reforms. And that is why international support, both moral and material support, is essential if Sri Lanka's quest for peace is to succeed."

Armitage provided the cue for would be donors when he observed "Indeed, I believe the negotiations between the GOSL and the LTTE have reached an important point, one where an infusion of international support can add an unstoppable force to this momentum of peace. This is an opportunity to show that when nations of goodwill join together and work as partners with international institutions and organisations, so much is possible - so much more than any one nation or entity can achieve alone."

Eloquent appeal

Economic Reforms Minister Milinda Moragoda led the Lankan delegation. Moragoda is a key member of the GOSL team that has engaged in six rounds of discussions with the LTTE from September last year. Moragoda provided a powerful visual presentation comprising a montage of images related to the conflict and its victims. Thereafter he made an eloquent appeal for assistance. "Some donors may, as a matter of policy, think it desirable to postpone granting us assistance until the current negotiations are concluded and a peace accord has been signed.

"We appeal to them to reconsider that approach in the circumstances of our case. There are many instances where accords have remained on paper, where beneficiaries have been denied a chance to feel the benefits of peace. There is no doubt that without donor support from the outset, economic recovery could turn out to be a distant prospect. If we are unable to demonstrate now, in a preliminary way, the dividend that peace will bring, we risk the negative effects of frustration among the parties, a breakdown of the negotiations, and the resumption of hostilities.

"By allowing the flow of assistance to commence now, we could begin to show to every section of our people, including the LTTE, that a peaceful accommodation of interests will bring tangible prosperity and a better quality of life for all. In support of our appeal for the timely commencement of assistance that would speed Sri Lanka's economic recovery, we offer the progress thus far achieved under complex and volatile conditions. Whenever ceasefire violations have taken place, both parties have displayed the wisdom and maturity not to scuttle the peace process and revert to violence.

"Our negotiators have been able to remain focused on the common goal of a political solution. From having to deal with the demand for a separate state, they have moved to a consideration of patterns of devolution within a federal system. The atmosphere at the negotiations has progressed from mutual suspicion tinged with hatred, to mutual caution, in a continuing trend that is fostered through confidence-building measures.

"Moreover, we would be willing to offer such assurances as may be needed as to the proper use and accountability for the funds provided." Moragoda also pointed out that "Funds are urgently required for both the immediate need of reconstruction, rehabilitation and relief as well as for laying the foundations for overall economic recovery after two decades of destructive and debilitating conflict. I would like to outline first the tasks that demand our immediate attention."

Critical spheres

Moragoda went on to outline the critical spheres where urgent financial support was required. Among those pinpointed were: There are some one million land-mines scattered in unmarked areas that need to be located and neutralised. Whole towns and villages need to be rebuilt and their basic services restored. There are an estimated one million internally displaced persons currently accommodated in camps or staying with relatives. They desperately need shelter and simple equipment to till the soil. Many schools have been destroyed or damaged in conflict-affected areas, while schools in other parts of the country have suffered severely from a chronic lack of funds. Sri Lanka is proud of its achievements in education, and its high literacy rates.

Access to good schools has been of enormous significance to our people. But unless urgent action is taken to restore the quality of our schools, we shall risk squandering our achievements in this field, and having to deal with a 'lost

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generation' of inadequately educated youth. One of the greatest challenges that we must face is getting people back to work throughout the island. In addition, it has been our experience that whenever people have remained in refugee camps for long periods without hope and regular employment, they tend to become inured to a culture of dependency.

But, with very little assistance they can be encouraged to resume their livelihoods as fishermen, farmers, and small traders. The social returns on such small investments will be very large, and the rehabilitation of these sections of our population will be essential if we are to achieve a lasting peace. Although there was no 'official' announcement of aid at the seminar's end there was agreement on providing aid for rehabilitation, reconstruction and development. The needs assessment provided by Sri Lankan officials estimated a sum of US $ 6 billion over a period of six years as being required. The preliminary phase needed US $ 1. 3 million of which US $ 459 million was earmarked for immediate needs in the north-east.

Sri Lankan newspapers quoting Secretary to the Treasury and Ministry of Policy Development and Implementation Charita Ratwatte said that "this biggest ever aid package would be officially given at the international aid conference to be held in Tokyo on June 9 and 10."

Apparently Sri Lanka will get US $3. 5 billion over a three-year period. It would be US $ 1.3 billion for the first year and 1.1 billion each for the next two years. All this largesse however is predicated on the assumption that the peace process would continue on a satisfactory course. This obviously depends on the conduct of both parties, the GOSL and LTTE.

LTTE reaction

Hell hath no fury as a feline scorned. The Tigers being excluded from the meet are clearly furious and have made threatening growls. The most serious one being the implied threat to boycott the forthcoming Tokyo Conference.

The Tigers who went into a huff over the flagrant rebuff by the US have now turned their guns on Colombo and to a lesser extent Oslo. While continuing its participation in the peace process the LTTE has stated that it would review its decision of attending the Tokyo donor conference. Pro-Tiger media have emphasised that a boycott of Tokyo is on the cards. This could mean that the Tigers will participate at the seventh round of talks beginning on April 29 but keep away from the aid conference on June 9 and 10. [Since writing this article, the LTTE has announced that it is suspending further talks with the government]

"Officially" the Tigers were persona non grata as far as the US was concerned because the LTTE had been designated as a proscribed foreign terrorist organisation by the US State Department in October, 1997. The ban continues to be in force.

This situation was somewhat puzzling. Ever since the peace process got underway the LTTE had been participating at most international gatherings relating to it. It was present officially not only in Norway but also in Germany and Japan - two G-7 countries. If the Tigers were prohibited from entering the USA and could not attend, then why was the conference held in Washington? The Tigers could have exerted pressure on Oslo and Colombo and got them to select another venue where they were admissible. Did the LTTE do it or was it sidelined despite efforts?

Informed sources in Colombo said that the whole purpose of the conference was to demonstrate to the world at large that the solitary super power was firmly behind the Sri Lankan peace process. The USA was a co-host at the Tokyo meeting. This preparatory exercise was to canvass international backing for aid to Sri Lanka. If the US led then others would follow. Washington was considered ideal because the spring sessions of the World Bank and International Monetary Fund were on and key officials attending them could participate easily in the Lankan talks too.

Caught on the wrong foot

The Tiger reaction to their non-inclusion seems to indicate that they were caught on the wrong foot. Had it realised the position earlier it may have responded differently. By all accounts the LTTE had been quite complacent about its participation in the US seminar initially. When Colombo newspapers reported erroneously that the LTTE would be attending the Washington meeting pro-Tiger media organs were gloating positively. One newspaper Uthayan went on to advise New Delhi editorially to follow suit. Richard Armitage had already attended the Oslo meeting despite the prevalent ban. Now Tiger representatives were going to Washington officially. India too should be flexible like the USA, the journal proposed.

This misguided euphoria evaporated when in response to a query, U.S. Ambassador in Colombo E. Ashley Wills told The Island "We have never had in mind inviting the LTTE or any of its associated organisations to the Washington meeting on April 14. Under US law, it is not possible for us to play host to an organisation on our list of Foreign Terrorist Organisations (FTOs). The U.S. listing of the LTTE as a FTO will remain in effect until the group renounces terrorism in word and deed." It was certainly not accidental that Armitage used almost the exact words in Washington later.

The LTTE first reacted by issuing a statement on April 4 protesting "its exclusion from an international donor conference to be hosted by the United States," and expressed its "disappointment" at the move, saying "this would undermine confidence in the ongoing peace process." It pointed out that both parties had "agreed to equal and joint partnership in efforts to solicit international financial assistance for reconstruction and rehabilitation efforts."

"Regrettably" it said "the United States has undermined this joint effort by isolating the LTTE and solely promoting the Government of Sri Lanka (GOSL) at the preliminary meeting" and went on to say "we call upon the United States and international donors to actively support the Norwegian peace process by endorsing the joint participation of the LTTE and GOSL in reconstruction and rehabilitation efforts in the north and east of Sri Lanka."

Rebuking Colombo and Oslo

A second statement was released on April 12. The LTTE "declared that the organisation would review its decision to participate at the Tokyo donors' conference in June, in protest against the exclusion of their accredited representa-

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tives from the crucial international aid conference in Washington to be held on Monday (14 April) in preparation for the main donor conference in Japan."

It then went on to rebuke Colombo and Oslo: "We are deeply disappointed that the Sri Lankan government and Norway, as our facilitator, have failed to ensure the LTTE's participation in this crucial preparatory aid conference by not selecting an appropriate venue, Sri Lanka has opted to marginalise our organisation at the Washington Conference."

It is generally known that the interregnum between the first and second statements had seen the Tigers frantically lobbying Norway and the Sri Lankan government to get the US to relent. Despite the efforts of Minister Milinda Moragoda and Norwegian Deputy Foreign Minister Vidar Helgessen, the US had been adamantly firm. Washington had its own reasons for specifically excluding the Tigers. Chief among them was that the LTTE being allowed formally to attend an official conference hosted by the US State Department would have nullified the entire effect of the ban imposed by the same institution.

The LTTE's disappointment at being debarred from Washington was aggravated by another reason. Among other things the Tigers have been utilising the peace process to acquire respectability and legitimacy internationally. As Balasingham is fond of regaling Tamil listeners, the Tigers are now visiting countries that regarded them as terrorists earlier, as "honoured" guests. Had the LTTE been invited to Washington there was no doubt of it being trumpeted as a great triumph. There would have been some truth in that projection too. Now, the balloon has burst. The LTTE stands exposed in the eyes of the Tamil people.

Against that backdrop the LTTE has resorted to a different strategy. The Tigers are attempting to portray the situation as one where they as "the authentic representatives of the Tamil people had been deprived of an opportunity to articulate their interests and aspirations." In spite of this aggressive stance the multi-billion rupee question now is whether the LTTE will really boycott the Tokyo conference as implied or not.

If the Tigers are firmly resolved on this, then the formal allocation in Tokyo, of aid pledged in Washington could be affected. The Washington meet has 'informally' decided on allocating US $ 3. 5 billion over a period of three years to Lanka. Given the track record of the LTTE, any sign of recalcitrance by it would be perceived negatively. Such a negative perception by extension would retard the allocation of aid. This in turn will seriously undermine the trajectory of the peace process.

Boycotting Tokyo Conference?

On the other hand there are doubts about the LTTE's real intentions on this matter. One compelling reason for the LTTE in pursuing peace negotiations has been the alluring prospect of getting its hands on vast sums of money for reconstructing and developing the north-east. Would it be prepared to jeopardise that at this juncture? Despite its complaint about being sidelined in Washington it would be privy to all need assessments and envisaged projects prior to the Tokyo summit. It can therefore provide its input on relevant matters. Moreover, the GOSL would be on the defensive on account of the Tigers being excluded from Washington and adopt a highly accommodative approach towards LTTE desires.

In spite of the rhetoric, the Tigers 'willingness' to participate at the Tokyo meeting is indicated also by other factors. Despite the threat to boycott Tokyo, it has not said anything about attending the seventh round of talks in Thailand on April 29. So it is very possible that after generating some heat over this issue at the talks, the Tigers could 'agree' to attend the Tokyo meet. It could always say that it is acting magnanimously in the interests of 'peace' and the 'well -being of the Tamil people.'

Another way out for the Tigers would be to utilise the visit of Japanese Special Advisor Akashi to Kilinochchi in late April. The Tigers could after some discussion say that they will be attending the Tokyo meeting in deference to the wishes of Japan. Japan has already pledged US $ 270 million for projects in the north-east under a different aid programme.

Under these circumstances many observers opined that the braggadacio of the LTTE could very well turn out to be the puerile bluff of a disappointed juvenile. In spite of the roaring rhetoric disgruntled Tigers could 'purr like pussy cats in anticipation' of expected aid at Tokyo, it was felt. Responding perhaps to this line of thought the Tigers raised the ante further.

The Tamil Guardian published in London generally reflects the thinking of the LTTE hierarchy. Its latest editorial of April 16 stated ominously: "The LTTE has said it will not be attending the Japan event. Speculation in the media that it is merely letting off steam is hopelessly optimistic given the strength of feeling in the north and east. If the LTTE's deliberate exclusion from Washington tempered Tamil optimism, then its voluntary absence from Tokyo will send an unmistakable signal to the Tamil people that little to benefit them will emerge from this aid gathering effort. In short the entire exercise seems simply intended to bolster and revive Sri Lanka's economy while Colombo simultaneously rebuilds its armed forces. The writing it would appear is on the wall."

The Tamil Guardian also made the accusation that the international conferences now being held to secure funds for the development of war-torn Sri Lanka, are not going to be of any use to the Tamil people because the funds are not meant to be disbursed in the Tamil-majority North Eastern Province but in the Sinhala-majority south to bolster "Sinhala prospects". It further said that the Sri Lankan government was "exploiting" the plight of the people in the war-ravaged North Eastern Province to "secure international sympathy" and get funds "better Sinhala prospects". And while seeking economic development funds from abroad, Colombo was also rebuilding its armed forces, it charged.

The Tamil Guardian reiterated the LTTE's contention that the Sri Lankan government and facilitator Norway could very well have sought and found another venue if the US had a legal problem about allowing the delegation of a banned organisation to step on to US soil, but they chose not to. The editorial pointed out that when the peace process began, the Ranil Wickremesin-

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ghe government agreed to "jointly" seek international funding for development and talked of the government and the LTTE being partners in development. But the LTTE's exclusion from the Washington conclave had made these solemn commitments nonsensical.

The publication said that the LTTE would certainly boycott the mega "Aid Lanka" meet in Tokyo in June because that would be an "unmistakable" signal to the Tamil people that they stood to gain little or nothing from these aid gathering efforts. The LTTE perceives, what the Tamil Guardian calls its "deliberate exclusion" from the April 14 mini donors' meeting in Washington, as a sign of a conspiracy to strike deals behind its back.

Hindustan Times of April 18 had a perceptive report by its Colombo Correspondent P. K. Balachandran on the implications of the Tamil Guardian editorial. Some excerpts provide an illuminating insight into what is happening now.

"America's awesome display of its armed might in Iraq and its willingness to go to any length to establish its hegemony anywhere in the world, must be worrying the LTTE. It is aware that the Wickremesinghe government is getting an international 'security net' backed and underwritten by the US. The US had only recently gifted to the Sri Lankan Navy a chopper carrying Offshore Patrol Vessel (OPV) capable of intercepting LTTE gun running vessels at great distances from the shore.

"However, LTTE Supremo Velupillai Prabhakaran believes in the dictum 'offense is the best form of defense.' He has opted to challenge the Sri Lankan government rather than be intimidated by US power and submit meekly. His threat to boycott the Tokyo meet, where US $ 1000 million may be pledged, is expected to bring Colombo a few notches down and sue for peace, because it needs the money to revive Sri Lanka's dying economy.

"Unlike the government, the LTTE is not in need of funds for development, since development is not its primary goal, or raison d'etre. It is fighting for the independence of 'Tamil Eelam.' The LTTE is not in any desperate need to continue the peace talks either, because war is its favoured technique to achieve its goal. But the government needs the peace process to go on. And to keep on track, it has to keep the LTTE at the negotiating table, virtually at any cost.

"For the government, the talks and the peace process will have to go on, if only to show the international donors that money is being sought for development; to assure potential investors that there is a favourable climate for investment; and lastly, to bring tangible 'peace dividends' to the Sinhala-majority south Sri Lanka, which, after all, is the island country's main political constituency." ❐

SLMM Clarifies Position on Security at Sea

"SLMM would like to emphasize that the LTTE Sea Tigers has neither legal rights nor any legitimate tasks of safeguarding the sovereignty and territorial integrity of Sri Lanka. These obligations belong purely to the Forces of the Government of Sri Lanka," the international Sri Lanka Monitoring Mission (SMM) said in a press release on 25 April in attempt to clarify its position following widespread criticism of its suggestion that the LTTE's naval wing "Sea Tigers" should be recognized as a 'de facto navy'.

The SLMM sated, "The Ceasefire Agreement signed by the Government of Sri Lanka and the Liberation Tigers of TamilEelam on February 22nd, 2002 is in force. Any suspension of planned sessions of Peace Talks has no impact on the validity of the Agreement or the adherence of the two Parties to the Ceasefire. Both Parties have confirmed this to Sri Lanka Monitoring Mission (SLMM). SLMM will continue to monitor the Ceasefire and working on assisting the Parties in solving disputes that arise and normalizing the situation in the war torn areas in North and East Sri Lanka.

"To prevent future incidents at sea that could threaten the stability of the Ceasefire, the Sixth Round of Peace Talks in Japan agreed; to work out effective arrangements for the operation of their naval units in keeping with existing treaty obligations. The Parties also agreed that SLMM should undertake preventive measures to avoid serious incidents at sea and on land. Recent days have seen strong reactions to isolated points of the Initial Discussion Paper that SLMM prepared as a basis for discussion on these arrangements. In that context SLMM would like to make the following clarifications.

"When the Ceasefire Agreement was signed on the 22nd of Feb 02, the LTTE fighting formations, including the Sea Tigers, existed. Consequently, the LTTE Sea Tigers exists as a De Facto Naval Unit. (In the Oxford Advanced Dictionary De Facto is defined as follows: Existing as a fact although it may not be legally accepted as existing). These are the reasons why SLMM has been tasked to work out these arrangements. SLMM would like to emphasize that the LTTE Sea Tigers has neither legal rights nor any legitimate tasks of safeguarding the sovereignty and territorial integrity of Sri Lanka. These obligations belong purely to the Forces of the Government of Sri Lanka. Balance of power is one of the basic elements for the present Ceasefire. Hence, to maintain their Forces capabilities both Parties must have the right to carry out training and exercise in designated areas. Such exercises and training should cause minimum disturbance to the normal life, i.e. fisheries. In this context it should also be noted hat there are no requirements in the Ceasefire Agreement to demobilize any of the LTTE military units, including the LTTE Sea Tigers. Final composition of the Sri Lanka Armed Forces should be reached at the Peace Talks. "The Initial Discussion Paper was not a legal document, but a basis for discussion. SLMM has already received suggestions from both Parties and adjusted the document. The second draft of proposals has been sent to the Parties, requesting them to forward their comments to SLMM not later than 30th April. After that SLMM intends to have

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Referendum and Peace Talks

Jehan Perera

● **A Referendum**

The government's assertion that it is considering a referendum on the peace process has run into opposition from both the PA and the JVP, and also rather unexpectedly from the LTTE. The position of the former is that it is pointless to hold a referendum at such an early stage in the peace process when the core concepts of the proposed political solution have yet not been gone into. The LTTE has said that a referendum at this time would not be fair by the million or so displaced persons in the north and east who would not be able to express their views at the referendum. On the other hand, the government has explained its sudden inspiration to hold a referendum as being born out of a responsiveness to requests from civil society.

It is evident that behind the stated rationale of the government is a political motivation. The government is eager to find a way to foil the manoeuverings of the parliamentary opposition to exploit the problems in the peace process and catapult themselves back into power. It is now 16 months since the present government was elected to office after prematurely unseating the PA-JVP government.

For at least half of this period, there has been a major question mark hanging over the government's stability. This has been due to the power conferred on the President by the Constitution that enables her to legally dissolve parliament after the passage of a year.

In the minds of most people, the question is not whether the President will dissolve parliament prematurely, the question is when she will make her move. However, the main beneficiary of this precarious balance of power could also be said to be the people. Ordinarily, governments in Sri Lanka have been quick to act repressively soon after they are elected to office.

They have hitherto been unable to resist the temptation that access to concentrated power puts into their hands. On this occasion, however, it is noticeable that the level of abuse of power has been considerably less. This is at least partly due to the watchdog role being played by the President.

Ironically, the practice over the past 16 months seems to suggest that the present system of government works surprisingly well when the Presidency and Parliament are controlled by rival political parties. Both sides are constrained to be on their best behaviour. The government cannot take aggressive anti-people measures, whether it is in the passage of draconian security laws or harsh economic restructuring measures. The main difficulty is the uncertainty that results from the President's power to dissolve Parliament at any time after the passage of one year of its life.

Not monolithic

Although the government has claimed that its decision to conduct a referendum stems from pressure from civil society, most civil society organisations would probably claim ignorance of such pressure.

Organisations that for many years have been in the forefront of the peace movement in the country have made no such requests publicly from the government. It is unlikely that they have made private requests either.

On the contrary, most peace organisations have repeatedly and publicly called on the government and the major opposition party to enter into a bipartisan political agreement with a view to jointly solving the ethnic conflict.

The essence of a civic organisation is that it remains independent of individual political parties and their partisan political agendas. Civic organisations are meant to stand for public causes and not for partisan and party-centred ones.

It should not matter to them which political party or coalition of them is in power, so long as it fulfils the public interest. The long experience of Sri Lanka's post-independence history has revealed that a bipartisan political approach is necessary to resolve the ethnic conflict. All efforts taken by governments without the support of the major opposition party have finally ended in failure.

However, it should also be noted that civil society is not monolithic. It is not only represented by peace organisations and NGOs, but also includes trade unions, religious organisations and professional bodies. Civil society also includes pro-war NGOs, such as the various movements against the division of the country. Members of organisations that covertly or overtly support different political parties or the LTTE would also argue that they represent civil society, as the organisers of the Pongu Thamil demonstrations have

(Continued from page 19)

separate discussions with the Parties on these arrangements and has suggested a meeting between senior naval and political representatives from both Parties, the Norwegian facilitator and SLMM at Omantai crossing point on the 7th of May 2003.

"SLMM will not and cannot impose any solutions on the Parties, as all solutions will have to depend on their mutual agreement. SLMM fully supports a constructive democratic debate on issues of national concern. However, SLMM discourages the behaviour of intentionally misinterpreting matters of sensitive nature and taking them out of context in order to further a specific political agenda.

"Finally it should be reiterated that the role of the Sri Lanka Navy is clearly stated in article 1.3 of the Ceasefire Agreement and was also included in the Initial Discussion Paper on measures for preventing incidents at sea. From SLMM point of view it is of the utmost importance that the mechanisms and arrangements specified in any final arrangements agreed upon must not interfere with the Sri Lanka Navy's obligation and legitimate task of safeguarding the sovereignty and territorial integrity of Sri Lanka." ❐

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done. It is quite possible that several such civic organisations have joined hands with the government in calling for a referendum on the peace process that would put the political opposition into a disadvantageous position.

Political agenda

By scoring a convincing victory at a referendum on the peace process, the government may be hoping to negate the opposition's ability to use the peace process as a basis for attacking the government. On the other hand, it is well known that most people are very happy with the present ceasefire and are broadly supportive of the process that has led to it. Public opinion surveys that have been carried out by NGOs have shown this fact time and again without there being any rival findings on that score. Recently even the President has been going out of her way to reassure the international community and the people at large that she is also supportive of the peace process and would continue it if she came back to power.

Clearly then it is not a referendum on the peace process that the country needs. The most compelling national need at this time is a decision by the government that it will find ways and means to share power and credit with the opposition in the peace process. The primary responsibility for achieving a bipartisan approach lies with the government led by Prime Minister Ranil Wickremesinghe on account of its access to the levers of power and position. On the other hand, the opposition led by President Chandrika Kumaratunga has a duty to be responsible in terms of what it wants from the government in order to support it in finding a political solution. There needs to be a balance in the partisan gains and sacrifices that are sought for the sake of peace in the Sinhala and Tamil new year that has just been celebrated.

Unfortunately the experience of the past several years indicates that Ms Kumaratunga and Mr Wickremesinghe are unable to agree on matters pertaining to bipartisanship between themselves. Therefore it is advisable that they avail themselves of trusted third parties.

They can take a lesson from the successful Norwegian facilitation that helped to bridge the seemingly unbridgeable gulf that separated successive governments from the LTTE. One possible international actor is India. As Sri Lanka's closest neighbour, and as the country that contributed much towards the escalation of the conflict, India should wish to be involved in its resolution as well. Further there are civil society organisations and personalities that can also take on this challenge. They can suggest various options and lobby for it among the people at large, so that what they recommend will be what the people also want.

"The defining characteristic of civic action in the public interest is that it is non-partisan. It is not dictated by the agendas of the parties, which are competing for political power in the democratic system. Political competition and institutions of the multi-party system, and the politicians and leaders in it, are without doubt an indispensable part of the democratic system.

There is no doubt whatsoever that without these institutions and the politicians there can be no democratic government. But we need civil society that is organised outside and beyond it on the basis of public interest to make the democratic institutions function fairly, equitably and efficiently."

The words above were spoken last year on Human Rights Day by the then Chairman of the Human Rights Commission of Sri Lanka, Dr Godfrey Gunatilleke.

Through his long years of service to civil society in Sri Lanka in various capacities he has demonstrated that an attitude of empathy with the legitimate objectives of governments, and rendering constructive assistance, does not mean collaborating with them in their mistakes or their partisan agendas.

This is the spirit in which civil society organisations today need to take up the challenge of restoring conditions of peace and justice in post-war Sri Lanka.

● LTTE pull-out from talks

If the sudden decision of the LTTE to pull out of the peace process caught most observers by surprise, it was because they had failed to heed the direct and indirect warning signals. The direct warning signals came from the LTTE which had expressed its unhappiness at being left out of the international donor conference in Washington. But ironically, the indirect warning signals came from the satisfaction of the government that it had achieved success at the Washington aid conference from which the LTTE had been barred. Up to the time of the Washington meeting the government and LTTE had made joint appeals and programmes to appeal to the international community.

By stating that it is suspending the peace talks and will not be attending even the donor aid conference in Tokyo in June, the LTTE has sought to apply a maximum of pressure on the government. It is aware that the government is banking a great deal on the Tokyo conference to revive the economy and offer a substantial peace dividend to the people. The consensual approach between the government and LTTE has been the key factor in the mobilisation of international aid to reconstruct the country and provide a peace dividend to the people. Any conflict between them could lead to a weakening of this international support. However, the LTTE has also been careful in the statement it has issued regarding its decision to suspend its participation in the peace negotiations. It has said it will continue with the peace process and honour the ceasefire agreement. Therefore, it is clear that there is no danger of the ceasefire collapsing and war breaking out. For the next few weeks, until the LTTE gets back to the negotiating table it is incumbent on the media and peace organisations to inform the people that war is not round the corner. They also need to re-affirm that the proper forum for the amicable resolution of problems, and the concerns they have given rise to, is the negotiating table.

Unfortunately there is a considerable apprehension among the people that the peace process is indeed breaking down which is being exploited by opponents of the peace process. A peace organisation that had organised three community groups from the south of the country to visit the north found one of them refusing to go on the grounds that the LTTE has already started to kill Sinhalese in the border villages. The President's decision to put the troops on high alert may have been a legitimate use of her constitutional powers as commander-in-chief of the armed forces. It was also given wide publicity the media. This added to the agitation of the people.

In the last couple of weeks the media, both state and privately owned, had been giving prominence to the remarkable success of the government in raising international donor funding. The

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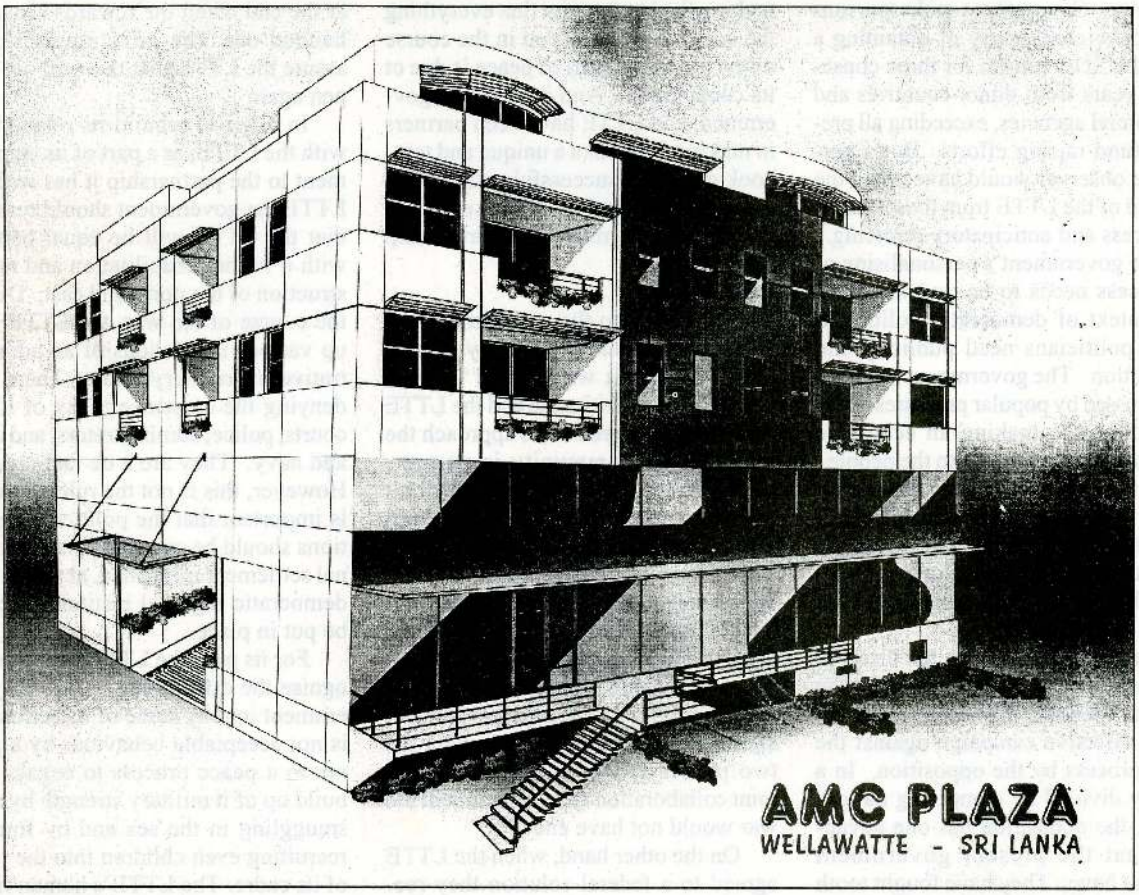

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World Bank and IMF had together pledged over USD 800 million in aid for the next three years, granting Sri Lanka 100 percent of what it was able to receive. Government spokespersons also spoke confidently of obtaining a total of USD 1 billion for three consecutive years from donor countries and multilateral agencies, exceeding all previous fund raising efforts. But a perceptive observer would have noted the absence of the LTTE from these claims of success and anticipatory rejoicing.

The government's personalising of its success needs to be understood in the context of democratic politics in which politicians need publicity and recognition. The government has been hard pressed by popular pressures about its tardiness in making an economic peace dividend available to the people. While the macro statistics show an increase in the growth rate of the economy, the benefits of this growth are yet to trickle down to the majority of people. They are left with a rising cost of living.

Coming together with the dissatisfaction of people looking in vain for the economic benefits of peace has been the highly effective campaign against the peace process by the opposition. In a country divided by competing nationalisms, the opposition has one advantage that the present government does not have. They have fought tooth and nail against the LTTE and refused to compromise with it. Their war for peace may have brought the country to its knees. But the opposition has been levelling the charge that the government kneels before the LTTE and yields to it.

Being invited to Washington for the donor meeting at a time when the United States is focussed on the Iraq situation was an undoubted triumph for the Sri Lankan government. But in seeking to project itself as achieving great success before its voter base, the government has evidently succeeded in alienating the LTTE. In the government's highly publicised achievement in Washington, the LTTE may have seen its future exclusion from other important events and decisions; its belief in an equal partnership with the government has been sundered. The LTTE's action of pulling out from the peace talks needs to be seen in this light.

In announcing its withdrawal from the peace negotiations, the LTTE is making it clear to the government that its cooperation is essential if the government is to attain its aid target. In fact by its threat of boycotting the Tokyo donor conference the LTTE is also making the larger point that everything the country has achieved in the course of the last 16 months of peace is due ot its cooperation. And indeed, the government and LTTE have been partners in making Sri Lanka a unique and textbook case of a successful peace process up to now, that is. If the success is to continue, so must that partnership continue.

Partnership

In its letter to the government, the LTTE said, "During the early negotiating sessions it was agreed that the government of Sri Lanka and the LTTE should work together and approach the international community in partnership." There are, of course, difficult questions to be asked and answered about the nature of the partnership. There are partnerships that are equal and partnerships that are not equal. There could be equality in some aspects and inequality in other aspects of a relationship. Where the ceasefire agreement is concerned the government and LTTE are equals. They were the two parties at war and without their joint collaboration and commitment the war would not have ended.

On the other hand, when the LTTE agreed to a federal solution they recognised there would be only one central government in Sri Lanka. Foreign governments and multilateral donor agencies give their funds to the central government because they can seek repayment from it. There is accountability when dealing with a national government. Such accountability is not possible with a militant organisation that has not yet contested an election or formed an internationally recognised government. The LTTE has to accept the reality that it will not be treated as equal to the Sri Lankan government when it comes to accessing international donor funding.

However, the LTTE's sense of being marginalised in the peace process especially in the conduct of the Washington donor conference needs to be appreciated. The LTTE said, "We view the exclusion of the LTTE, the principal partner to peace and the authentic representatives of the Tamil people from discussions on critical matters affecting the economic and social welfare of the Tamil nation, as a grave breach of good faith." The LTTE is justified in feeling that it contributed in equal part to the success of the peace process and it is unfairly being left out at the end when the rewards are being handed out. The government should assure the LTTE that this will not happen again.

In order to rebuild its relationship with the LTTE, as a part of its commitment to the partnership it has with the LTTE the government should reaffirm that the LTTE will be equal partners with it in the rehabilitation and reconstruction of the north and east. During the course of the war, the LTTE built up various institutions of an administrative and military nature. There is no denying the existence today of LTTE courts, police, administrators, and army and navy. They are a de facto reality. However, this is not the rule of law. It is important that the political negotiations should be speeded up so that a final settlement is reached, at which time democratic regional institutions could be put in place.

For its part, the LTTE needs to recognise the difficulties it puts the government into by some of its actions. It is not acceptable behaviour by a partner to a peace process to engage in a build up of it military strength by arms smuggling in the sea and by forcibly recruiting even children into the ranks of its cadre. The LTTE's human rights record continues to be poor. Hundreds of Muslims have fled their homes after clashes with Tamils in which the LTTE has played a key role.There is an ongoing campaign of political assassinations of members of Tamil political parties opposed to the LTTE.There are credible reports of LTTE prisons and torture camps to which no one, not even the ICRC, has access. The restoration of normal life in the north and east, that the LTTE avowedly seeks, must apply to non-Tamils and to non-LTTE parties as well.

For Sri Lanka's peace process to succeed, and for the country to be an example to the world, there is only one appropriate basis for a successful and long term working partnership. This is a commitment to transparency, human rights and democracy. Both the government and LTTE have a long way to go in their journey to such a partnership. Civil society and religious leaders have an important role to play in exhorting and supporting them along the way. ❐

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Peace Dividend, Development and the Distributional Problem

Prof. N. Shanmugaratnam*

In mainstream analytical literature, 'peace dividend' is generally interpreted rather narrowly in terms of the impact of cuts in military spending on economic growth performance. The analysts are generally concerned as to how the surplus freed by reductions in military spending is being used. There can be differences among them on ranking the alternative uses to which the saved resources can be put, i.e. the conversion of the surplus. Some may argue in favour of returning the surplus to the private sector through reduced fiscal deficit and lower taxes. They may justify this by reasoning that such use of the 'peace dividend' would encourage private investment while helping to get the 'macroeconomic indicators' right. Others may agree with those who advocate that at least a part of the money saved should be invested in reintegration of the demobilised soldiers, human development and peacebuilding.

Peace dividend in this sense has yet to materialise in Sri Lanka, although the term has gained wider currency.

Military spending by the government and the LTTE remains high. Our peace process has not reached the stage of decommissioning and demobilisation. The controversies over the High Security Zones in Jaffna and the occasional confrontations between the two armed forces are strong reminders of this reality. They also reveal once again that military considerations continue to enjoy top priority on both sides. Military spending is not likely to be reduced until a lasting political solution is found, and not before its implementation has progressed beyond 'the point of no return to war' and a programme of reintegration of ex-combatants (government and LTTE) is instituted. Let us also bear in mind that demobilisation of combatants and dismantling of the war economy have their cost as they would involve loss of employment and income for many. Peace dividend in the sense of savings on military spending and their impact on growth may take a long time to be produced in Sri Lanka, and it is not easy to predict at this point how big the savings are likely to be, when they come.

It may be recalled that this conception of peace dividend gained wide currency in the post-cold war era when expectations were raised that the USA and its Western allies would reduce military spending quite dramatically and the savings would be invested in non-military sectors and social development. Some groups and organisations also demanded that the post-cold war peace dividend be shared with the poorer developing countries. In fact these sentiments were strongly articulated at the Copenhagen World Social Summit in March 1995. However, the peace dividend that materialised was not anywhere near the high expectations raised in the euphoric days that marked the end of the cold war. The 'military industrial complex' is as intact as ever and now it is deep into the violent business of disarming 'rogue states'.

A broader conception of the peace dividend

Narrow economic conceptions of the peace dividend such as the above do not seem to have much operational value in today's Sri Lanka. No realist would chase after an illusory 'peace dividend' in the form of reduced military spending or its positive economic impact in this country at present. It is not rational to expect quick cuts in military spending when the protagonists are still trying to find a political solution to end a war bitterly and ruthlessly fought for twenty years. But it is possible to create a peace dividend in a broader sense by utilising the opportunities offered by the emerging environment. In popular discourse, 'peace dividend' has acquired a broader, though often somewhat loose, meaning to include economic as well as social, political and psychological benefits that accrue as a result of an ongoing peace process with or without significant cuts in military spending.

For instance, the improvements in human security and freer human mobility gained due to the removal of repressive controls and the successful implementation of a permanent ceasefire can contribute towards a peace dividend in the broader sense. These gains along with the progressive removal of sources of uncertainty created by war go a long way in enabling households to rebuild their livelihoods, which were disrupted or destroyed by war. They can promote economic revival in general even where military expenditure is not significantly reduced. Further, even without a major cut in military spending, it is possible to make the armed forces contribute to the peace dividend if they can be redeployed for non-military activities that generate or promote economic revival and enhance social security.

Peace, Development and Distributional Conflicts

It would seem that such a broader notion of the peace dividend underpins the public discourse on the subject in Sri Lanka. However, there is a need to more explicitly articulate this position and relate it to the larger debate on peace and development. A basic lesson of history is that peace may be development friendly but development is not necessarily peace friendly. Capitalist development has an inherent, universal tendency to be socially and spatially uneven, and to generate distributional conflicts and create winners and losers as a result. Social peace is threatened where distributional conflicts and deprivation are serious and ignored or mishandled by policy makers. Class, though a defining feature of inequality in modern society, is not the only basis of distributional conflicts. Gender, race, ethnicity, caste and religion are among the key variables that interact with class in distributional conflicts. However, the history of capitalist development also shows that countries that consciously chose a social contract framed with due consideration to some agreed principles of democratisation, distribution and non-discrimination have been able to avoid major violent turns of internal

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conflicts. It follows that, in a post-war situation, peacebuilding and development have to be seen as interrelated processes, and this relationship has to be governed in a politically enlightened way to achieve equitable socio-economic advancement.

In Lanka, we find ourselves in a context that is both promising and challenging in this regard. The peace process is promising but taking it to fruition in the form of a political solution is a major challenge. It cannot be denied that the ethnic conflict in Lanka is rooted to a great extent in conflicts over distribution of resources, opportunities and political power – in what analysts regard as horizontal inequalities. These conflicts became progressively communalised on the basis of ethnic divisions, which were politically defined in colonial times and subsequently modified and redefined as communalisation advanced into structures of the state and the polity at large. Here, it is not my intention to go in-depth into the political economy of communalisation and the latter's enduring institutionalised presence in the phase of economic liberalisation that began with the change of government in August 1977. I hasten to repeat that there are distributional conflicts outside the ethnic conflict and to stress that they have been growing under the regime of economic liberalisation. The point I want to make here is that development can contribute to durable peace if it can be so governed as to make it socially, ethnically and spatially as even as possible. This should be the main premise of a broader conception of the peace dividend. Further, such a development process is a necessary condition for the decommunalisation of the Lankan polity.

Lanka's record on both peacebuilding and development in the past quarter of a century leaves much to be desired. The destructive effects of the war are well known. The failure of the neoliberal economic policy to generate sufficient jobs and promote human development qualitatively and the accompanying suppression of the rights of workers by all governments are also well known. However, the government and the defenders of the neoliberal policy have pointed at the war as the cause of the failure of the economy. There is no doubt the war has had a devastating effect on the national economy and its growth prospects. It drove investors away and encouraged unproductive quick profit making (including socially undesirable) activities while distorting the allocation of public resources. It caused disinvestments, market failures in many sectors and major economic contractions and mass deprivation in the North-East. However, the war alone cannot explain everything that went wrong with the economy from a social perspective. It would seem reasonable to assume that without war the country's economy would have grown at higher rates. But one cannot proceed from there and assume that the higher growth would have automatically been accompanied by an equitable distribution which in turn would have led to all round human development. It does not make sense to causally link the adverse effects of deregulation and privatisation on employment, wages and the cost of quality health care and education and the resultant social exclusion found in Lanka to the war. The unfair exploitation and the privations suffered by the workers in the Free Trade Zones have practically nothing to do with the war. These and other problems such as the highly skewed spatial distribution of the GDP and the high incidence of deprivation and poverty in areas such as Mone-ragala are consequences of the neoli-beral economic policies so enthusiastically followed by successive governments.

Paradoxically, the war has helped make a dent on rural poverty and unemployment in the South as hundreds of thousands of youths, mostly rural, found employment in the state's armed forces. As the war became protracted, the war economy expanded and absorbed a considerable number of people. The non-liberal militarisation opened up job opportunities for many who were excluded from the liberalised economy as unemployable! However, needless to labour the point that making war is not a desirable means of employment generation. On the other hand, the dismantling of the war economy would throw many people out of employment, and if the past record of the liberalised economy is any guide, most of these unemployed are not likely to be absorbed by it. Thousands of them may end up unemployed and many, like their colleagues who deserted in the past, may join underworld gangs. Such turn of events could precipitate unintended social consequences. Further, after more than a year of ceasefire, the vast majority of the people are more concerned about the rising cost of living, unemployment and social insecurity, as revealed by surveys and protests.

Such concerns become even more serious when we turn to the North-East where the challenges of rebuilding and developing the war-torn society and economy are daunting. The war has redrawn the political economic and demographic landscape of this region. It is widely recognised that, at the aggregate inter-regional level, there is a major development gap between the North-East and the rest of the country and that this has to be bridged in the shortest possible time in order to re-integrate this region into the larger economy and polity. A fundamental concern, however, is how to achieve this without reproducing the uneven spatial patterns of development, deprivation and exclusion experienced in the south of the country. The government has yet to show how it hopes to bring about a transformation of the social geographies of exclusion in the south, and the LTTE too has not explicitly articulated its own vision of development. Of course, developing countries are subject to a global imperial authoritarianism when it comes to choosing national economic policies. Yet an enlightened political class cannot afford to disregard the crosscutting questions of legitimacy, stability and social reproduction. The LTTE, which is an equal partner in the peace process, which runs a *de facto* state in the North-East, and which is expected to be the dominant actor in a future regional government, has yet to make known its views on the Lankan experience with the neoliberal project. I think it is time we raised the question as to how the LTTE sees the future development of the North-East in the current global-regional context.

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Against Muslim self-determination

Izeth Hussain

The so-called Oluvil Declaration, the core of which asserts supposed Muslim right to self-determination in the North East, has been noted in our newspapers as a development of possibly enormous significance. It has even been compared to the May 1976 Vaddukkoddai resolution which asserted a Tamil right to set up a sovereign state in the North East, in consequence of that same principle of self-determination.

It is too early to say, but the Oluvil Declaration could certainly prove to be fateful to the Muslims. It has to be seen in the perspective of processes that have been going on for many years. In that perspective, it clearly has the potential to vitiate Muslim relations with both the Sinhalese and the Tamils, and bring disaster for the Muslim. That would be a pity, because it would all be in consequence of a Muslim assertion of a right that is not a right.

The core of the Declaration is that the Muslims of the North East are part of a distinct nation, whose homeland is in the North East, in consequence of which they have the right of self-determination, and are entitled to an autonomous political unit linking Muslim majority areas in the North East. The Declaration also asserts that the political and other rights of the Muslims outside the North East must be ensured.

The essential problem about the Declaration's formulation of the right of the Muslims is that it uses terms that are integral parts of the discourse of the nation-state. The terms in question are "nation", "homeland", and "self-determination". None of them have a valid application to the Muslims of Sri Lanka.

For the purposes of this article, it is crucially important to bear in mind a distinction that has to be made between two different types of minority ethnic groups. Only one of them can make a legitimate claim to be regarded as a nation. The claim is made on the basis that an ethnic group is indigenous to a particular territory, a "homeland" to which it is primordially linked, in the sense that the link goes back into the mists of antiquity. According to the theory of the nation-state, an ethnic group constitutes itself as a "nation" in relation to its "homeland", from which arises its claim to "self-determination" and the founding of a nation-state. During the present "ethnic revival", dating from around 1970, there has been an immense amount of research into ethnicity. Among the more interesting findings of that research are that human beings sometimes, perhaps more often than not, take long periods to constitute themselves as a people, as an ethnic group, and history is often concocted in support of claims to homelands. There can be no doubt that the notion of the nation-state has led to a vast amount of mythologising. Consequently, the distinction drawn in this article between ethnic minorities which can legitimately claim to be national minorities and other ethnic minorities which can make on such claim, may sometimes be blurred.

However, in most cases there are no ambiguities and the distinction so clear enough between national minorities who are primordially lined to a territory and other ethnic minorities. For instance the Scots, who are now well on the way to establishing their sovereign state, are an ethnic minority in Britain. But they indisputably have had primordial links with the territory known as Scotland, and are therefore a national minority quite unlike the ethnic groups who came to Britain as immigrants after the Second World War.

Likewise, the link of ethnicity with territory is indisputable in the case of states which have been established after separatist wars, such as Bangladesh, Eritrea, and East Timor. It is indisputable also in the case of the former components of the Soviet Union and Yugoslavia which have set themselves up as sovereign states. The point applies also to many of the aspirants to sovereign state status, such as the Northern Irish Catholics, the Palestinians, the Basques, the Kurds, and the Chechens.

The case of the Sri Lankan Tamils, however, looks rather peculiar, and may well be unique. Here we have one of the fiercest of all protracted ethnic wars which, at least up to now, has been spectacularly successful. And yet, the link of ethnicity with territory has been under serious dispute.

It is disputed on the ground that the whole island is the Sinhadipa, the land of the Sinhalese race, and furthermore it is the Dhammadipa, with the Sinhalese as a chosen people with the special responsibility of preserving the pristine and pure form of Buddhism. The Sinhalese presence in the North antedates the coming of the Tamils, it is said. As for the claim to the Eastern Province as part of the Tamil homeland, it is entirely spurious, as it is allegedly based on no more than lines of demarcation drawn for administrative convenience by the British.

It appears that on both sides of the cadjan fence a good deal of mythologising has gone into claims and counterclaims about the North East, which is said to accord with normal procedure whenever disputes arise over ethnic links to territory. But it does seem that a cogent enough case can be made to show that the Tamils do constitute a "nation" with a "homeland" covering the North and part at least of the East. Such a claim can be disputed on serious ground. The difference in the case of a similar claim from the Muslims is that, on serious grounds, it can only be dismissed. It may be that the Tamils are not indigenous to the North East, and have no primordial links with it because they are immigrants for the sub-continent. There must be very few ethnic groups with primordial links to territory in a literal sense, and besides the Sinhalese are also immigrants according to their own historical legends. The important point is that the Tamils have certainly been inhabiting the North and part of the East for many centuries, and those can be regarded as areas of traditional Tamil habitation, as the phrase goes. Those areas therefore constitute

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a homeland in a widely accepted sense.

A further point of importance is that the Sri Lanka Tamils, as distinct from Indian Tamils, always acknowledge that they are either "Jaffna Tamils" or "Batticaloa Tamils", the latter term designating the Eastern Province Tamils. A so-called "Colombo Tamil" may have been born in Colombo, and have never even visited the North East, but he would readily acknowledge that his ancestors came from either the North or the East.

We have therefore an ethnic group, the Sri Lankan Tamils, who have had a compact and contiguous areas of traditional Tamil habitation, constituting their "homeland", for which arises their claim to be regarded as a "nation" with an entitlement of "self-determination".

None of that can apply to the Sri Lankan Muslims. But before dealing with that point, a terminological confusion has to be cleared away. It is that the term "Muslim" designates the follower of a religion, Islam, and not an ethnic group. The Sri Lanka Muslims consist of several ethnic groups, the largest of whom are the so-called Moors. The term "Sri Lankan Muslim" is usually meant to refer to them, and is so used in this article. The Sri Lanka Muslims understood in that sense certainly constitute an ethnic group, and they certainly have a strong sense of ethnic identity. But they are not nation in the sense defined above. Some of their ancestors may have come to the island from even pre-Islamic times, but they have not been indigenous to any part of Sri Lankan territory, and consequently have not had the conception of a homeland in the shape of a compact and contiguous unit of territory. The Sri Lankan Muslims have always thought of themselves in terms of their territorial provenance as "Colombo Muslims", "Galle Muslims", "Kandy Muslims", "Eastern Province Muslims", and so on.

However, in recent years, some Eastern Province Muslims have conceived the notion of a Muslim homeland in their province. Most historians seem to be agreed that the bulk of the EP Muslims are the descendants of Muslim beneficiaries of the bounty of King Senarat, who allowed them to settle there as refugees from Portuguese oppression. The claim to an EP homeland with that kind of provenance is taken by many Sinhalese as signifying black ingratitude on the part of the Muslims.

It will take much ingenuity, and much dishonesty, for historians and archeologists to establish what even looks like a plausible case for a Muslim homeland in the EP. But even if a valid case is established, it will be a "homeland" only for the EP Muslims, and that will make sense only if the EP Muslims are regarded as a distinct ethnic group, which they certainly are not. The important point is that the vast majority of the Muslims outside the EP will emphatically refuse of subscribe to the notion that they have a homeland in the EP. It should be clear enough that the terms "nation", "homeland", and "self-determination" can have no valid application to the Sri Lankan Muslims. There is one other way in which they are distinct from the Tamils. The latter did have a Jaffna kingdom, even though for a relatively brief period in our long history. The Muslims have had nothing comparable and therefore cannot possibly advance a supposed historic claim to self-determination. The advocates of Muslim self-determination must also bear in mind that the international community today recognises no such right. Rightly or wrongly, it is held that there was such a right only in a colonial context. It is a fact that in the period of decolonisation several new states have been established after separatist struggles. It is also a fact that was not in consequence of a recognised right of self-determination.

The question of importance of the further of the Muslims is what kind of significance should be attributed to the assertion of a right of self-determination in the Oluvil Declaration. D. B. S. Jeyaraj, in his detailed and perceptive analysis (Sunday Leader of February 9) noted that one of the important respects in which it differs from the Vaddukkoddai resolution is that it is not scessionary, since it asks for no more than an autonomous unit of devolution.

While that is true, it remains that "self-determination" in its primary meaning asserts a right to set up separate and sovereign sate. The claim may stop short of it for the time being, but it carries that potential for the future. The Sinhalese will be inclined to believe that just as in the case of the Tamils, the present claim to autonomy among the Muslims will inevitable lead to a future claim to a separate state.

The Oluvil Declaration should be seen in the perspective of the evolution of Muslim politics since the 1970s, notably the emergence of the SLMC in the following decade. One of the important reasons why it emerged was the shocking failure of Muslim politicians in our two major parties to properly represent Muslim interests. But in recent times, disillusionment has been growing with the performance of the SLMC as well. Perhaps that disillusionment provides part of the explanation for the fact that the Oluvil Declaration, adopted with much spectacular fanfare, was a students' affair without any notable participation by Muslim politicians.

The future may show that to have been a fateful development. It is certain, in any case, that the Declaration has the potential to jeopardise Muslim relations with both the Sinhalese and the Tamils to a dangerous extent. What should be done to prevent that?

I suggest that the students responsible for the Declaration explicitly disavow the claim to "Self-determination", and eschew future use of that terms along with the terms "nation" and "homeland", all of which have inescapable meanings as parts of the discourse of the nation-state.

I suggest also that the SLMC make a similar disavowal. That would be advisable even if the SLMC does not claim a Muslim right to self-determination. The Island report of February 19 on the no-confidence motion against the Defence Minister contained the following sentence about Mr. Rauf Hakeem, "He asserted that the SLMC would not on any account allow the government and the LTTE to ignore the Muslim right to self-determination."

What will the Muslims lose by that disavowal? Nothing, absolutely nothing whatever. The EP Muslims can still make their claim to an autonomous unit, though not on the ground of supposed right to self-determination. The Muslims as a whole can struggle, when necessary, to secure their group rights and their individual rights as citizens. It is on that basis that innumerable ethnic minorities are living in peace and dignity, in amity and co-operation, with dominant ethnic majorities all over the globe. Why not in Sri Lanka as well?❐

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Under the LTTE's shadow

D.B.S. Jeyaraj

Some recent comments made by Veerasingham Anandasangary, the veteran Sri Lankan Tamil parliamentarian from Jaffna district, about his party, the Tamil United Liberation Front (TULF), and its relationship with the Liberation Tigers of Tamil Eelam, have caused a flutter in Sri Lankan politics. Anandasangary was elected president of the TULF in controversial circumstances last year (Frontline, July 19, 2002). He has been viewed as a leader who maintains relative independence in the Sri Lankan Tamil political environment where the LTTE has established virtual hegemony through coercive force. Sangary, as he is generally known, has through his observations highlighted a dissident viewpoint against the imposition of the Tigers as the "sole representatives" of the Tamil people. In March 2002, Sangary stated publicly that the Tigers were not the "sole representatives" of the Tamil people. Addressing a TULF meeting in Jaffna, he said that the party, though it supported the LTTE in the peace process, was an independent organisation. The TULF was not subservient to the LTTE in order for it to "sit when asked to sit or stand when asked to stand", Sangary said. It was incorrect to term the LTTE the "sole representative" of the Tamils when, apart from those that constitute the Tamil National Alliance (TNA), other parties were also represented in Parliament, he said. These other parties include the Eelam People's Democratic Party (EPDP) and the People's Liberation Organisation of Tamil Eelam (PLOTE). Sangary reiterated this position in media interviews. He emphasised that the TNA's Articles of Association had not specified that the LTTE was accepted by the TNA as the "sole representative'' of the Tamils. Sangary declared that the TULF would not contest as a part of the TNA in the coming elections to local bodies.

His statement was welcomed in Sinhala nationalist circles as the first sign of a hitch in the relationship between the LTTE and the TULF in recent times. The pro-Tiger Tamil media within and outside the country were critical of Sangary. One publication said the TULF leader had shot himself in the foot. Some TNA leaders were critical of him and said that the Tigers were indeed the sole representatives of the Tamils.

LTTE front organisations railed against Sangary. TULF secretary-general and MP from Trincomalee district, Rajavarothayam Sambandan, tried to pour oil on troubled waters by issuing certain explanatory statements. Officially the LTTE remained ominously silent.

The last parliamentary elections saw the TULF and three other parties - the All-Ceylon Tamil Congress (ACTC), the Tamil Eelam Liberation Organisation (TELO) and the Eelam People's Revolutionary Liberation Front (EPRLF) faction led by Suresh Premachandran - forming a loose alliance, the TNA. It fared well in the North-Eastern areas and got 15 seats in Parliament, including an appointed one. The TULF got seven seats, TELO four, the ACTC three and the EPRLF one seat. The TNA, while sitting in the Opposition, has been supporting the Ranil Wickremasinghe government in Parliament.

Since its formation the TNA has played a role that is secondary to that of the LTTE. Despite having suffered at the hands of the Tigers and having lost several of its leaders in assassinations carried out by the LTTE, the TNA opted to "forgive and forget", in the interests of greater Tamil unity. Its election manifesto emphasised this Tamil unity principle and urged a negotiated settlement to the ethnic conflict. The TNA wanted Colombo to de-proscribe the LTTE and engage with it in the negotiations facilitated by Norway. Since fighting was on between the government forces and the Tigers, the LTTE felt that only it should represent the Tamils at the talks and be afforded "sole representative" status.

This "sole representative" concept was a controversial and ambiguous one. In the first place, the LTTE had sought to deny "independent" representative status to any other Tamil political party and was prepared to tolerate a limited role for these outfits only if they were totally subservient to it. So the TNA, by saying that the LTTE could be the sole representative of the Tamils, was making a virtue out of necessity. On the other hand, there was a glaring contradiction in the TNA describing the LTTE as the "sole representative'' of the Tamils and then sitting in Parliament as representatives of the Tamil voters in the North and East. Furthermore, the political and ethnic heterogeneity of the North-Eastern provinces was not conducive to any claim of such a status. All the districts other than Jaffna had an ethnic plurality, resulting in Muslim and Sinhala candidates from parties such as the ruling United National Front, the People's Alliance, the National Unity Alliance and the Sri Lanka Muslim Congress winning seats from those regions. Moreover, substantial numbers of Tamil votes were polled by Tamils from parties other than those in the TNA: while the EPDP won two seats, PLOTE and the UNP won one seat each. The prevailing proportionate representation system militates against any single party monopolising the seats.

Despite these factors, the epithet of "sole representative'' was loosely and somewhat widely applied to the LTTE in the Tamil political context. The last elections saw the TNA canvassing for votes in LTTE-controlled areas too. The TNA campaign was vehemently anti-EPDP and to a great extent pro-LTTE. Apart from notable exceptions like Sangary, most of the TNA leaders sang hosannas for the LTTE. All this made other political parties dub the TNA a front organisation of the LTTE. EPDP leader Douglas Devananda called members of the TNA "Tiger nominated agents". The EPDP charged that pro-LTTE youths had rigged the polls and cast bogus votes for specific TNA candidates. (Sangary was not one of these candidates.)

The TULF leader, a former Trotskyite with a Left-leaning background, had been a tower of strength to his party in the face of LTTE hostility. It was Sangary who rallied the party

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and helped keep the TULF-controlled Jaffna Municipal Council going in the aftermath of the LTTE killing one Mayoress (Sarojini Yogeswaran), one Mayor (Ponnuthurai Sivapalan) and a prospective Mayor (Pon. Mathimugarajarajah). It was Sangary who spearheaded the TULF campaign in the 2000 and 2001 parliamentary elections. He won the most number of preference votes in the district. Unlike several TULF personalities in the past who either curried favour with the LTTE or held themselves back from criticising it, Sangary had been blunt in his comments with regard to the Tigers. He was equally harsh with the EPDP. It was widely believed that he had reservations about toeing the LTTE line. He had tried to forge an independent approach but found none of the MPs or front-ranking leaders backing him. Two senior TULF leaders outsmarted Sangary by appealing to the Tigers on the question of nominating a National List TULF member to Parliament. Some TULF leaders who are hoping to replace him have also been "complaining" about Sangary to the Tigers.

IN the midst of all this, Sangary has been trying to maintain a degree of independence without rocking the boat. He is the only TULF MP not to have participated in LTTE-led public meetings or for that matter meetings conducted by the Tigers themselves. He has refrained, as far as possible, from joining the regular trips undertaken by TNA MPs to Kilinochchi to receive political instructions from the LTTE. The summoning of its members by the LTTE amid wide publicity has been a humiliating experience for the TNA. Also, the LTTE's political adviser, Anton Balasingham, had stated openly that the TNA was at the LTTE's beck and call and was there to obey orders. Sangary was the only TNA leader to object to this statement.

Sangary has also been careful not to let LTTE-inspired anti-India views influence the Tamil body politic. When, for instance, the Tamil Nadu Legislative Assembly passed a resolution against LTTE leader Velupillai Prabakaran and hostile reactions to Tamil Nadu Chief Minister Jayalalithaa emanated from Sri Lankan Tamil circles, Sangary issued a statement condemning the reactions. He urged that no offensive comment be made against any Indian leader, including the Chief Minister. Recently at a ceremony in Colombo he appealed to India, in the presence of the Indian High Commissioner, to "forgive and forget" the past. This approach too found no favour with the LTTE hierarchy.

The Tigers had interfered with certain acts by Sangary regarding the appointment and transfer of public servants in Jaffna. Regarding meetings chaired by him on development projects, the Tigers have often asked for a change of time and venue at short notice. The Tigers asked Sangary not to go to the United Nations as part of the official Sri Lankan delegation. Sangary obliged, but was bitter about it. The Tigers resent his influence with members of the government and the diplomatic corps.

In recent times two issues have left Sangary and the LTTE estranged further. The first related to the LTTE's refusal to let the TULF observe the 75th birthday of its assassinated leader Appapillai Amirthalingam in Jaffna. The other issue concerned the opening of the Jaffna Public Library with San-gary as the chief guest on the occasion. The TULF leader delivered stinging rebukes to the LTTE on these issues. This led to the LTTE demanding that Sangary be removed from the TULF leadership. At a meeting in Kilinochchi, the head of the LTTE's political wing, S.P. Thamilchelvan, told the TULF members present (Sangary was absent on the occasion) that the Tigers were not happy with Sangary on three counts. The first reason concerned certain media interviews given in Canada by him, allegedly criticising the LTTE. The second related to supposedly adverse comments about the LTTE's position on high security zones (HSZs) in Jaffna that he made to the visiting Japanese special envoy, Yashushi Akashi. The third concerned the public position on the reopening of the Public Library by Sangary. Even though the TULF has remained silent on the Tiger ultimatum, there are moves afoot by anti-Sangary elements to use the Tiger card and remove him from the leadership of the party.

It was against this backdrop that Sangary came out openly challenging the LTTE's hegemonic approach. Being a shrewd politician he realised that he could not put it off. Knowing that the party's rank and file were unhappy with the TULF's deferential attitude towards the LTTE, he struck a responsive chord in Jaffna. Sangary told this writer: "The bulk of the 250-plus party members present were happy about what I said. They came up and congratulated me."Besides the personal stakes involved, Sangary's decision to assert the TULF's independence is politically pragmatic. Sangary has sensed that the rank and file is disillusioned with the upper level TULF leaders letting themselves to be dictated to by the LTTE. With the LTTE becoming increasingly unpopular owing to its taxation and conscription moves, the political winds are blowing against the TULF too through "guilt by association". Earlier, those Tamils who disliked LTTE-style politics supported the TULF. Now with the TULF playing second fiddle to the LTTE and also subsuming its identity in the TNA, the swing is in favour of an alternative. This trend may well be advantageous to the EPDP and PLOTE, even the UNF.

The TNA arrangement has not been politically profitable to the TULF. The other parties have gained by latching

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on to it. Also, the LTTE has been building up the other parties and undermining the TULF while promoting internal dissension against Sangary. There is reason to suspect that if and when local authority elections are held the LTTE will "fix" the polls in such a way as to ensure the success of candidates of other parties at the expense of the TULF. On the other hand, there is going to be a voter swing against the TULF on account of its involvement with the TNA and its association with the LTTE.

Another point is that after the TULF joined the TNA and began to toe the LTTE line, the party began to lose its prestige nationally and internationally. Many international representatives do not meet TULF leaders now as such meetings are seen as being pointless and redundant. A recent "omission" by the visiting Indian Foreign Secretary is a case in point. The LTTE also does not make it any easier by its arrogant handling of its relations with the TULF in a "command-control mode".

Under the circumstances, the move by Sangary to assert the TULF's independence and go it alone without irking the LTTE too much is somewhat risky yet seemingly astute. This can save it from getting caught up in an anti-Tiger mood, prevent a voter swing in favour of non-TULF parties; bring prestige to the party and allow for it an independent role. The TULF retaining its own identity and being supportive of the LTTE on matters affecting the Tamil people could serve the Tamil cause better. What Sangary wants is for the TULF to bow its head to the LTTE slightly without prostrating itself as it does now.

The question, however, is whether other TULF leaders and the LTTE would see matters in such a light. If Sangary is able to get the rank and file to support him wholeheartedly, then the other TULF leaders too may revise their stance. On the other hand, if the LTTE and other TNA partners close ranks against Sangary, the TULF will face much pressure to remove him. While the prevailing ceasefire has temporarily ensured Sangary's physical safety, the coming days will determine the future of the largest democratic political party of Sri Lankan Tamils - the TULF.

(Courtesy Frontline)

Objections Raised Against Law on 'Organised Crime'

Suriya Wickremasinghe,
Secretary, Civil Rights Movement of Sri Lanka

"It is high time that the first respondent realised that investigations should be done intelligently and not with fisticuffs. It has often been repeated that police investigations are for men with brains rather than brawn it is highly disturbing to know that the people of this country are at the mercy of such errant police officers who disregard the law with impunity."

-Fernando J. in S.C. F. R. Appln. 148/99

The need to take seriously the problem of organized crime is certainly appreciated by the Civil Rights Movement (CRM). Measures to ensure, for example, the security of witnesses, may be both reasonable and necessary. But serious departures from the norms of investigation and fair trial, including methods of establishing facts, are not acceptable. Such norms exist to ensure that while the guilty are punished the innocent are not. It is both pointless and incorrect to resort to serious departures from these norms in order to increase the number of convictions, for the result of this will be unsafe convictions. CRM fears that this will be the effect of the Prevention of Organized Crime Bill currently before Parliament. A democratic legal system cannot tolerate a situation which encourages unsafe convictions in criminal cases. Indeed, the normal rule is that the more serious the possible outcome, the more stringent are the safeguards for the accused. It is for this reason, for instance, that while a civil claim is decided on the balance of probability, a criminal charge must be proved beyond reasonable doubt.

It should also be noted that the Bill seeks to bring into the normal law several of the more drastic provisions of the emergency regulations, as well as of the Prevention of Terrorism Act (PTA). And this at a time when the emergency is no longer in force, and the repeal or drastic revision of the PTA is said to be under consideration, as part of a general policy of repealing undemocratic laws, as well as specifically in connection with the peace process. The Bill assumes even graver proportions when we recall that the implementation of the death penalty is under consideration.

The proposal must further be viewed in the context of the known predilection of elements in our police to resort to torture and other ill treatment of suspects, of which there have been ample proved instances. To cite just one of many judicial pleas on this subject:

The Bill deals with what are generally considered "ordinary" criminal offences. Once it is considered acceptable to dilute the standards of investigation and fair trial for certain purposes, however, it would be easy for any government to amend the Schedule to include offences of a political nature, and thus use the new law against its opponents.

It must also be remembered that organized criminal groups are adept at diverting suspicion away from themselves, and sometimes have the backing of other powerful and corrupt elements within society. At the same time there is pressure on the police to make arrests and secure convictions. They do not like it if crimes appear to remain unsolved. One can thus envisage situations where major criminals go free through use of money and influence, making way for innocent scapegoats to fall victim to the drastically diluted standards of the new law.

CRM's concerns

CRM is seriously perturbed by many provisions of the proposed new law. We wish to point to some of the more striking innovations and departures from accepted standards as they exist in our normal law, some of which are also reflected in our Constitution and in international standards.

"Organized criminal group"

The short Preamble gives the ob-

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ject of the Bill as "to make provision for the prevention and investigation of organized crime". By organized crime is meant the commission of any scheduled offence, including any new offence created by the Bill, by an organized criminal group. Being a member of such a group is in itself an offence, and this makes the definition of organized criminal group important. It must be a group of three or more persons but it must also not be "randomly formed". This is imprecise and whoever has to come to this conclusion — police or magistrate — is left without guidelines. A hastily arrived at decision, particularly by the police, can have grave consequences for the suspect till the Magistrate makes a determination.

Preparation an offence

A further new offence causes grave concern. Clause 3 (1) (b) makes it an offence to do any act "in furtherance of the general criminal activities of an organized criminal group". Again imprecise language is used and what is more it would seem to include any act of preparation. This is a departure from the general principle of criminal law which draws a distinction between preparation and attempt.

"Harbouring"

With these infirmities in the proposed law, one has to consider the offence of "harbouring" created by clause 4. This offence assumes a new significance due to the fact that mere membership of an organized criminal group is made an offence. It will apply to members of the family with whom a suspect is living if they know or have reason to believe that he is a member of an organized criminal group. The exception of a husband or wife to the offence of "harbouring" in the normal law (Penal Code S 209) is not found in the proposed law. The attempt to define the mental element (mens rea) required for the offence is not satisfactory. One can imagine collective punishment being inflicted on a mere suspicion that a person is a member of an organized criminal group, particularly if that person is not to be found. This will legitimise the illegal "hostage taking" in which the police sometimes indulge.

Production before Magistrate

On arrest without warrant under the Bill, the police must produce the suspect within twenty four hours exclusive of the time of travel, EITHER before the nearest Magistrate OR the Magistrate of the division within which the offence is committed. This is contrary to the Constitution [Article 13(2)], which requires the person held in custody to be brought before the judge of the nearest competent court.

Police custody

A Magistrate may authorise detention in police custody for seven days for purpose of investigation. The police may apply for this either at the initial production before a Magistrate, or where a suspect is already in prison, whether in respect of this investigation or for any other reason.

Comment: - As a matter of basic principle persons should not be held in the custody of their interrogators. The interrogating authority and the custodial authority should be separate. Otherwise it is an invitation to torture which as pointed out above is already a serious problem in Sri Lanka.

- In prison a remandee is protected by the Prisons Ordinance and the Prison Rules. THERE ARE NO RULES GOVERNING POLICE CUSTODY (conditions of detention, hours of interrogation, etc.).

- No particular police station has to be specified. The police custody need not necessarily be a police station. This goes against the principle that a person should be held only in an "officially recognized place of detention"; see below. Furthermore, there is no provision for notification either to the family or to the Human Rights Commission. This can be especially serious where there are no witnesses to an arrest or where a person is taken out of prison. Family notification too is an international norm.

Admissibility of police confessions

Provisions comparable to the PTA and emergency provisions regarding admissibility of confessions to the police and while in police custody are found in the Bill. Under our normal law confessions while in police custody (unless made before a Magistrate) are not admissible in evidence. Nor are confessions made to a police officer. The new law would make any statement in writing made in police custody, and any statement in writing made to a police officer of the rank of Assistant Superintendent of Police or above admissible. The importance of our normal law is that it takes cognizance of the propensity of the police to extract confessions by torture or other illegal means. The proposed departure from it takes on added significance from the provision for seven days police custody referred to above.

Admissibility of statement not subject to cross-examination

This is a most extraordinary provision. A police officer may produce before a Magistrate "a person conversant with any fact relating to an offence specified in the Schedule..." and have his statement recorded on oath. Thereafter that statement is admissible in evidence. The witness does not have to be called or tendered for cross examination. [Clause 18 (a)]. This is contrary to the International Covenant on Civil and Political rights which provides that "In the determination of any criminal charge against him, everyone shall be entitled...[T] o examine, or have examined, the witnesses against him..." ICCPR Article 14 (3) (e).

A withdrawn statement can nevertheless be acted on

Even if the witness referred to in the preceding pare is called and made available for cross-examination, the value of this to an accused who disputes what the witness says is negated by another provision. If a witness contradicts on any material point expressly or by implication a statement made by such witness earlier recorded by a Magistrate or made at an identification parade, it is open to the Court to nevertheless act on that earlier statement.

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Moreover the Court can have the witness arraigned for perjury at the end of the trial and it shall not be necessary to prove which of the statements is false. [clause 22]. False witnesses will stick to their story. Witnesses will even be deterred from correcting a mistake they had genuinely made. This could result in the conviction of innocent persons. This provision violates once again the right guaranteed by the International Covenant referred to in the preceding paragraph, which must necessarily include the right of accused persons to successfully challenge the credibility and accuracy of testimony brought against them.

Previous offence admissible

In order to establish that persons are members of an organized criminal group, (and it will be remembered that mere membership of such a group is an offence), it is admissible to prove that one or several of the group has on a previous occasion committed one of the scheduled offences as an organized criminal group. This displaces Section 54 of the Evidence Ordinance which excludes evidence of bad character in deciding whether a person is guilty of the offence with which he is currently charged. It also means that not only the person who earlier committed the offence, but all those others currently suspected to be acting with that person, (who need not necessarily have been associated with him earlier), are now liable to be considered members of an organized criminal group.

No bail

At the end of the investigation in police custody the suspect is produced before the Magistrate. The Magistrate then "shall in accordance with the provisions of the Bail Act No 30 of 1997, by warrant addressed to the Superintendent of any prison, order the detention of such suspect until the conclusion of the trial..." [clause 13]. This is a puzzling provision. Despite the reference to the Bail Act, it can mean that there is no possibility whatever of bail even if the offence is bailable or the police do not object to bail. There is no time limit within which indictment must be served or trial take place. If this interpretation is correct it incorporates one of the worst provisions of the PTA, which has resulted in hunger strikes by PTA suspects. The complete ouster of judicial discretion in regard to granting of bail appears to be unconstitutional, vice Supreme Court Special determination No 6 and 7 of 1998 of 7 'April 1998 Hansard 21st April 1998 columns 1103 to 1114 (the "ragging" bill).

Document admissible without calling maker

A document found in the possession or control of an accused or the accused agent may be produced in court as evidence against the accused without the maker being called as a witness, and its contents shall be prima facie evidence of the facts stated therein. [Clause 19].

Non eligibility for remission?

Convicted persons will not be eligible under "any early release scheme" [Clause 23 (b)]. If this includes the normal remission granted to prisoners for industry and good conduct, it goes against established principles of rehabilitation. It can also cause a serious problem in the maintenance of prison discipline since the main incentive to good behaviour is removed.

Enhanced punishments and mandatory minimum sentences

The Bill provides for harsh enhanced sentences and mandatory minimum sentences. CRM is not commenting on this aspect at present except to say that as a general rule it is not in favour of the limiting of judicial discretion by prescribing mandatory minimum sentences. ❐

SIXTH ROUND OF TALKS

Talks give top priority to security at sea

The following is the Norwegian government statement on the sixth session of peace talks at Hakone, Japan from 18th to 21 March 2003:

"The parties met amid growing security concerns following recent incidents on land and at sea. While they acknowledged that parallel progress is needed in negotiations on security, economic and political issues, the parties left no doubt that they must now give top priority to improving the security situation, in particular at sea. The parties undertook to enforce better compliance with the ceasefire agreement by their personnel.

The Government of Sri Lanka and the LTTE are deeply concerned about the latest incidents at sea, including on 10 March. To prevent future incidents at sea that could threaten the stability of the ceasefire, the parties have agreed to convene senior naval and political representatives from both sides within three weeks to work out effective arrangements for the operation of naval units in keeping with existing treaty obligations. The meeting will be convened by the Royal Norwegian Government and the Head of the Sri Lanka Monitoring Mission (SLMM) and will immediately start preparing the meeting with military leaders on both sides. The parties agrees to instruct their naval units to exercise restraint, as required by the Ceasefire Agreement, and to avoid provocative actions in the crucial period Prior to the establishment of appropriate procedures.

In this context, the parties agreed to strengthen the mandate and capacity of the SLMM to undertake preventive measures to avoid serious incidents at sea and on land. As a fundamental precondition for the SLMM to take on a stronger role, the parties pledged to ensure full compliance with the rulings of the SLMM guarantee the security of its personnel in all situations, and take disciplinary action against anyone endangering the lives of SLMM personnel.

The parties also agreed to take steps to further strengthen the security situation on land, including the establishment of procedures with the cooperation of the SLMM for handling soldiers and cadres apprehended by the other party.

In their political discussions, the parties reiterated their commitment to

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develop a federal system based on internal self-determination within a united Sri Lanka. As the point of departure for planning how to give effect to the general principles of federalism in a final settlement of the ethnic conflict, the parties discussed the essential elements of fiscal federalism.

The parties discussed preliminary issues and a framework for political matters and agreed to expand this into a complete plan at the seventh session of talks. The plan will outline the next steps to be taken by the parties and the topics that must be addressed in order to negotiate a federal solution for Sri Lanka. The parties recognise that a considerable amount of time will be required to address this wide range of topics, which will include geographical regions and the division of powers between the centre and regions. In this context, the parties decided to invite the Forum of Federations, a Canadian-based international organization, to participate as consultants at the seventh session of talks.

The LTTE reported on the formation of a Political Affairs Committee consisting of twenty-one leading members of the organization. This committee will undertake an intensive study of federalism over the course of the next three months to build the LTTE's capacity for political transformation. The committee will study federal systems in other parts of the world, arrange seminars for LTTE cadres, consult Tamil parliamentarians and academics and seek advice from lawyers and constitutional experts, to prepare the ground for the process of establishing internal self-determination within a united, federal Sri Lanka.

Following a proposal by the GOSL to prepare for local government elections in the North and East, the LTTE will favourably consider supporting the holding of such elections.

It was agreed that the rescheduled meeting between the LTTE and the Muslim representatives in Batticaloa be convened on 27 April 2003. Furthermore, the LTTE and Rauf Hakeem agreed to arrange a separate meeting between Muslim leaders and the leadership of the LTTE in Kilinochchi to discus political matters and the participation of a Muslim delegation in negotiation at plenary sessions.

The parties approved the proposal submitted by the Sub-Committee on Geneder Issues to establish secretaries in Kilinochchi and Colombo.

Following up on the discussions in Berlin in February on human rights, the parties asked their international human rights adviser. Ian Martin, to develop three aspects of the proposed roadmap for adoption at the seventh session of talks.1) The drafting of a Declaration of Human Rights and Humanitarian Principles. This would reflect aspects of fundamental international human rights and humanitarian standards, which both parties would undertake to ensure are respected in practice by their personnel, pending the full entrenchment of human rights standards in the eventual constitutional arrangements and in federal and local law.

2) The planning of a programme of human rights training for LTTE cadres and government officials, police and prison officials, which would contribute to the respect of these principles in practice, and of human rights education and awareness for other sections of the population. This programme would include specialised training offered by UNICEF in relation to the rights of the child, UNHCR in relation to rights of internally displaced persons and refugees, and ICRC in relation to international humanitarian law. The Office of the UN High Commissioner for Human Rights would be invited to coordinate this programme.

3) Proposals for the strengthening of the Human Rights Commission of Sir Lanka to enable it to develop the capacity for increasingly effective monitoring throughout the country. These proposals would involve international advice and assistance to the HRC from the Office of the UN High Commissioner for Human Rights and other sources, and close coordination with the roles of UNICEF in relation to child protection, UNHCR in relation to the protection of returning internally displaced persons and refugees, and SLMM in relation to acts against the civilian population.

The parties agreed to hold the seventh session of talks from 29 April to 2 May in Thailand, the eighth session from 12 to 15 June in Japan and the ninth session from 15 to 18 July in Europe.(venue to be determined). ❐

(Continued from page 7)

south are for a peaceful political solution and not for resumption of brutal war.

The Nation Peace Council of Sri Lanka in a statement issued on 25 April said: "The suspension of peace talks by the LTTE has come as a blow to the expectations of the vast majority of people who have been firmly supporting the ongoing peace process. We are glad that the LTTE has stated that it will continue to abide by the ceasefire agreement which forms the backbone of the current peace process. While we take note of the avowedly temporary nature of the LTTE's decision, the National Peace Council is concerned about the long-term injury to Sri Lanka's peace and development prospects. At a time when the world is facing many other crises of global significance, the government and LTTE should act with responsibility to strengthen the peace process.

The consensual approach between the government and LTTE has been the key factor in the mobilisation of international aid to reconstruct the country and provide a peace dividend to the people. Any conflict between them could lead to a weakening of this international support. Further, there is a growing apprehension among the people whether the peace process is breaking down which is being exploited by opponents of the peace process.

We are aware of problems affecting the peace process. On this occasion, the LTTE has stated that its exclusion from the aid conference in the United States, the continued suffering of the displaced Tamil people, the problems of the heavy army presence in civilian areas of the north and east, and the lack of special attention to the economic devastation of the north and east are reasons that have undermined its confidence in the peace negotiations.

The NPC strongly believes that the proper forum for the amicable resolution of these problems, and the legitimate concerns they have given rise to, is the negotiating table. We urge the LTTE to reconsider its decision to suspend the peace talks in the national interests and those of the Tamil people. We also urge the government to address the grievances of the LTTE and the Tamil people in a manner that goes to the heart of the expectations and aspirations of the two sides. The NPC calls on the government and LTTE to resolve their problems and jointly attend the donor conference in Tokyo in June." ❐

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Alcohol and your health

Dr. D. P. Atukorale

There have been many claims in the press about the miracles that the red wine or other forms of alcohol can prevent heart attacks. This gives the impression that we can take the magic potion and we can eat, smoke or do anything we like and still not get a heart attack.

A recent study suggested that the lowest death rates are found among men who have only two to four drinks a week, while another found that three to five drinks a day are associated with the greatest longevity for men and women.

Do the benefits accrue only if you drink wine and more specifically red wine? Will grapes or grape juice confer similar protective effects? Should women with high risks of breast cancer abstain? What about pregnancy and breast feeding? Let us look at the common misperceptions about alcohol and health.

Misperception No. 1

The best alcoholic beverage for protecting against heart disease is red wine

The popular notion that red rather than white wine, beer or mixed drinks is the magic potion has never been confirmed. The bulk of the evidence indicates that any alcoholic beverage protects against heart disease.

Researchers have singled out certain substances present only in red wine that may ward off a heart attack. These are called flavonoids which include a subclass of compounds known as phenols and these substances come from grape skins. They appear to act as antioxidants that keep bad LDL cholesterol from forming artery blocking plaques. There is some evidence that flavonoid have an anti-clotting effect on the blood which could protect against heart attacks. Harvard University Eric Rimm MD, one of the leading researchers looking into the connection between alcohol and health says that the added benefit due to taking alcohol is very small.

Honolulu Heart Study where 8000 people were studied, it was shown that beer drinkers were at a significantly less risk of developing heart disease than teetotallers. In a Harvard study where they studied 44,000 middle-aged men, it was shown that moderate drinkers fared better than abstainers, no matter what they drank. In this case, hard liquor such as whisky appeared to have the strongest protective effect. Thus red wine is not the "drink of choice", when it comes to staving off heart attacks as the amount of antioxidants in red wine is low, very much lower than what you ,get in a balanced diet with fruits and vegetables. The quantity of flavonoids in tea is higher than what you get in a glass of red wine. To get the amount of antioxidant protection one has to consume a dangerously large amount of red wine.

Misperception No. 2

Alcohol protects against heart disease by thinning the blood

Alcohol appears to render "cells" in the blood called platelets less sticky and therefore less likely to aggregate and form a clot in coronary arteries. Alcohol also raises the blood level of HDL (good) cholesterol. HDL level of below 40mg is risk factor for heart attacks. You are okay if your HDL level is above 55 or more is very advantageous.

Regular exercise, stopping smoking along with taking off extra pounds raises the HDL cholesterol level. If your HDL cholesterol level is low and if you start an exercise program of moderate intensity, you might only raise HDL three to four points. You could expect the same results from losing five to 10 excess pounds.

Of course engaging in physical activity on a regular basis does a lot of life protecting things that drinking does not, making the heart beat more efficiently, reducing the risk of diabetes, decreasing blood pressure and increasing bone density. Taking off extra pounds also takes stress off the joints, putting less pressure or heart muscle and makes it easier for you to get around.

Misperception No.3

Because alcohol raises the risk for breast cancer the hazards of drinking outweighed the benefits for women

Alcohol seems to raise the risk of breast cancer in women apparently by raising the level of hormone, oestrogen which promotes the development of certain types of breast tumours. In a Harvard study of 90,000 middle-aged women 3 to 9 drinks a week reduced the risk of heart disease by 40% but raised the risk of breast cancer by 30 per cent. If a woman has one or more risks of breast cancer such as a strong family history of breast cancer, or had onset of menstruation before the age of 12 years, first pregnancy after 3O, never having children or menopause later than 55, she should not drink. On the other hand if a woman does not have any particular risk factors for breast cancer, yet has heart disease risk factors such as hypertension, diabetes, smoking or high blood cholesterol she might choose not to stop drinking moderately if that is already one of her habits.

Misperception No. 4

Moderate drinking means a maximum of two drinks a day

The two drinks a day recommendation often made in reference to men is not appropriate for women, older people and those taking prescription drugs and over the counter medications that do not mix with alcohol.

Women are not supposed to have more than one drink daily according to U.S. Dietary Guidelines for Americans because they are usually smaller than men and therefore don't hold their liquor as well. In addition, women have proportionately more fat and less water than men, so alcohol does not get diluted in their bodies. Women also have less of an enzyme called alcohol dehydrogenase that breaks down alcohol before it reaches the blood stream and so it is more likely to go to their heads.

Even one drink may be more than optimal for women. A recently released study of 85,000 middle aged women spanning 12 years found the greatest longevity was associated not with a daily glass of wine, beer or mixed drink but with one to three drinks a week. A drink lowered mortality rate but not as much.

Many old people as well as a significant proportion of middle-aged men and women take medications that don't interact with alcohol. Certain heart drugs can combine with alcohol to make blood pressure drop precipitously, causing giddiness and faintish feeling. Drinking also increases the risk of gastro-intestinal bleed-

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ing in people who regularly take aspirin like arthritis patients. Medications like anticonvulsant which have a sedative effect may cause sleep or may have fatigued effect with alcohol and may fall asleep at the wheel. If you take any drugs it is your duty to discuss with your family physician about the interaction with alcohol before mixing the two at any level.

Misperception No. 5

Beyond two drinks a day alcohol has adverse effects on the heart

In case of men, drinking more than two alcoholic beverages a week, the risk of death from other illnesses appear to go up sharply. In case of men, they have a greater chance of dying from several different types of cancer, including cancer of oesophagus and stomach and perhaps cancer of colon and rectum as well. They might also be more likely to get a stroke. Cirrhosis of liver, falls and motor vehicle accidents also increase. Totality of evidence so far available suggests very strongly that for anyone, more than two drinks a day (one for women and older people) is a dangerous habit.

Misperception No. 6

Because the French are regular consumers of alcohol they live longer than Americans

French do consume much more alcohol than Americans. Indeed they drink eight to ten times as much wine. A recent study looking at drinking patterns and death rates of 21 developed nations, showed that the protective effect of alcohol enjoyed by the French in effect wiped out by alcohol abuse that leads to early death from cirrhosis of liver, accidents, suicides and other problems.

Interestingly alcohol consumption in France has gone down dramatically over the last few decades from 19 quarts per person a year in 1988 to 14 quarts in 1965 and so have coronary death rates from 95 people per 100,000 in 1965 to 71 people per 100000 in 1988. Death from cirrhosis of the liver have practically been cut in half during the same period.

Misperception No. 7

Drinking small amounts of wine during pregnancy and breast feeding is now considered harmless

According to a book entitled "To Your Health - Two Physicians Explain The Health Benefits Of Wine" published in 1994 light drinking is safe during pregnancy because it will not cause foetal alcohol syndrome and the attendant problems namely malformations of the face, central nervous system deficiencies and long term mental retardation. But research suggests that drinking even less than one drink a day can still result in decreased weight, height and head size as well as reduced I.Q. scores. Both the Surgeon General and the American College of Obstetricians advise that no amount of alcohol is safe during pregnancy.

With regard to drinking while breast feeding, an old wives' tale says that a glass of wine or beer before breast feeding relaxes the mother and thereby allows her to produce more milk. But a study at the Monell Chemical Senses Center in Philadelphia found that breast fed infants end up with about 20 per cent less milk after their mothers have a drink than when they abstain.

Studies by American Cancer Society

The largest study in the world on alcohol as far as I am aware was conducted in USA by the American Cancer Society. It showed that one can of beer, one pounce glass of wine or one shot of whisky taken straight or in cocktail lowered the heart attack rate as well as 2,3,4,5 or 6 drinks. At one drink, the cancer rate and total death rate are lower. At two drinks the cancer rate is same as nondrinkers and both total death and heart disease death are lower. At three drinks cancer death rate is increased. At four drinks total death rate and cancer death rate is increased.

Should we all take one drink a day just for medical purpose? We know from studies in orphans in Sweden and Iowa, that the orphans of alcoholic's become alcoholics themselves at four times the rate of non-alcoholics. This evidence suggests that there are potent genetic forces that either predispose you to alcohol abuse or protect from it.

There are people who cannot drink even one alcoholic beverage without becoming addicted to alcohol. There are also marked racial and religious differences. People from Asia who metabolize alcohol differently are generally unable to tolerate alcohol because it causes them to flush in an uncomfortable way. With 19 million alcoholics in USA alone, the gene for alcoholism is not rare. Most of the groups in USA who strictly abstains from alcohol all run much lower heart attack rate than the rest of the country.

Other deleterious effects ff Alcohol consumption

Consumption of large quantities of alcohol can result in hypoglycemia (lowering of blood sugar) which may follow even 30 hours after ingestion of alcohol. Hypoglycemic if not successfully treated in time, can result in brain damage.

Alcoholics are more prone to infection and alcoholics have low serum albumin. Continued alcoholic intake produces alcoholic liver damage and after about 6 years of chronic abuse, alcoholic hepatitis can develop which progresses to alcoholic cirrhosis if alcohol is not discontinued.

Chronic and acute pancreatitis (inflammation of the pancreas) are frequent in people who drink alcohol regularly.

Deficiencies caused by alcohol consumption

There may be impaired secretion of gastric juice and loss of appetite. Malabsorption is also common in alcoholics. These people have deficiencies of amino-acids, calcium, folic acid and vitamin B12.

Advantages of Alcohol Consumption

Advantages of alcohol consumption on the heart were discussed earlier. Other advantages of mild and moderate consumption of alcohol are increase in appetite increase in flow of gastric and pancreatic juice and acceleration of digestion.

One pint of beer provides about two per cent of requirement of thiamine of a moderately active man, about 60 per cent of niacin requirement 13 per cent of riboflavin, 8 per cent of calcium, 12 per cent of phosphorus and 7 per cent of energy required. There are also obvious social advantages.

However, physiological and social advantages cannot be praised on nutritional grounds. In the words of Housman -

"Ale, mane ale's the stuff to drink
For fellows it hurts to think."

Alcohol has long been known to be a vasodilator, a soporific and a diuretic as is shown in the following quotation of Shakespeare (Macbeth 11, iii):

Porter: "drink sir, is a provoker of three things.

Macduff: "What three things does drink especially provoke."

"Marry, sir, nose-painting sleep and urine. Lechery, sir, it provokes and unprovokes, it provokes the desire, but it takes away the performance."

References

1. Food and Nutrition by Pro£ T W Wikramanayake
2. Nutrition 96/97 Gharlotte Cook - Fuller PhD Slephen Barnett
3. Good Fat, Bad Fat Sarah Trotta et al.

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About People and Events

OBITUARIES

Thava Thiru Siva Nandhi Adikalaar *(Krishnapillai Gnanasoorian), Founder and President of London Meihandan Aadheenam and World Saiva Council attained moksha on 2nd April 2003 in London, UK.*

He worked for the Greater London Council in London, KKS Cement Works and ICI as Chief Chemist in Sri Lanka and was resident in Alaveddy, at Fussel's Lane, Wellawetta, and King Edward Road, London

He was beloved husband of late Kamalavathy; loving father of Jeyaraj, Jeyahini and Shivajini; father-in-law of Harindran and Gunasekaram; grandfather of Sanjiv, Aneesha and Archanna; brother of Vaikundavasan and late Nithiananthan, Gnanachandran and Sivahamasunthari; brother-in-law of Maheswary (UK), Vinayagamoorthy (UK), Kanagambigai, Cuganesan (Australia), Ambikaipakan (Sri Lanka), Inbanathan (UK) and late Balambikai (Sri Lanka).

He is sadly missed and lovingly remembered by all members of his family, brothers-in-law, sisters-in-law, their families and friends in UK and abroad. The funeral took place at City of London Crematorium, London on 10th April 2003.

The family wishes to thank all those who sent messages of sympathy, attended the funeral and helped in several ways.

- 72, King Edward Road, London E17 6 HZ. Tel: 0208 550 9972.

Mrs Thangaratnam Sinnathurai *(86) dearly beloved wife of late Pandithar S. Sinnathurai, Retired Head Teacher, Alaveddy, Sri Lanka; loving mother of Dr. S. Balasanthiran (UK), Balayokiny (Negombo, Sri Lanka), Balasunthary (Kokuvil, Sri Lanka), Dr. Balachanthireswary (Brisbane, Australia), and Bala Indran (Germany); mother-in-law of Gandhimathi, Ratnam, Vamathevan, Raveenthiran and Vathsala; grandmother of Dr. Anjali Balasanthiran, Dayalan, Rajani, Ravi, Ragulan (all of UK), Dr. Ramani Ragulan (Negombo, Sri Lanka), Thamilini (New Zealand), Valavan and Viraloon (both of Colombo, Sri Lanka) Sudarone, Dr. Myvilli Raveenthiran and Pavai (all of Brisbane, Australia), Lavaniya and Malavan (Germany) and great grand mother of Visakan, Neelan, Hari, Josh, Kokulan, Kabilan, Tharaka and Deepika passed away on 9.3.03 in Colombo, Sri Lanka. Funeral took place in Negombo, Sri Lanka on 13.3.03. – 4 Avenue Vivian, Scunthorpe, North Lincolnshire DN15 8JE. Tel: 01724 860329/ 0208 337 3854.*

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IN MEMORIAMS

The Tenth Year Remembrance of Mr. Murugesapillai Maheswaran

Born: 18th January 1937 in Jaffna, Sri Lanka
Died: 14th March 1993 in London

Sadly missed and remembered with much love and affection by:

Brothers:
Dr. M. Sri Ranganathan (UK), Dr. M. Koneswaran (USA)
Sisters:
Mrs Gunawathy ammal Ketheeswaranathan (Australia)
Mrs Pathmaneswary Velauthapillai (Sri Lanka)
and families

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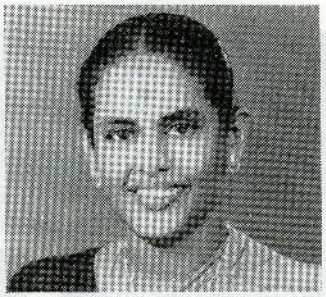
In loving Memory of

Daddy
Ponnampalam
Kanagaratnam

Born: 11.10.1909 Rest: 02.03.1982

Mummy
Vemalaranee
Kanagaratnam



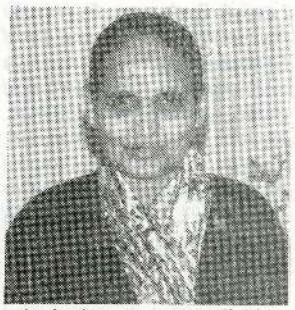
10.07.1923 to 31:03.1990

We speak of you with love and pride
Years may pass and time may fly
Memories of you both will never die
And shall live in our heart for ever.

Sadly missed and fondly remembered by sons Sara, Brem and Dubsy; daughters-in- law Lalitha and Shyamala; grand children Janarthan, Mehala, Uthistran, Arani and Anuja
– 19 Huxley Place, Palmers Green, London N13 5SU. Tel: 020 8886 5966.

Fourth Anniversary

Mrs Thaiyalnayaki Sivalingam



In loving memory of ***Mrs Thaiyalnayaki Sivalingam*** *on the fourth anniversary of her passing away on 18th April 1999.*
Greatly missed and fondly remembered by her loving children Jeyakumaran, Kaladevy, Gnanendran, Dr. Jeyagowri, Sureshkumar and Sivasuthan; sons-in-law Ganeshamoorthy and Dr. Kumaran; daughters-in-law Yogendradevi, Vallinayaki, Malathy and Balasuhanthini; sister Sethunayaki Sivasithamparam; grandchildren Havitha, Sinduja, Kalyan, Neruban, Rathulan, Pratheeban, Aparnah, Geevithan and Abisha.

- 24 Sixth Cross Road, Twickenham, Middx. TW2 5RB. Tel: 020 8977 6277.

Pradeep Jeganathan – Sixth Anniversary

01.12.1964 – 31.03.1997

Six long years have passed us by
Never a day without a sigh
The hurt and heartaches have not eased
The pain and anguish have not ceased.

Profoundly missed and affectionately remembered by his parents Jeganathan and Shakuntala; sister Mythili; brothers Janarthana and Sanjayan and their families.

Seventh Anniversary Remembrance

Mr. Visvalingam Sivasubramaniam

In loving memory of ***Mr. Visvalingam Sivasubramaniam,*** *Principal Emeritus, Skanda Varodaya College, Chunnakam on the seventh anniversary of his passing away on 26th April 1996.*
Sadly missed and fondly remembered by his beloved wife Sironmany; children Dr. Sivanandarajah, Sivagnanasunderam, Dr. Sivapalan, Sivathasan, Sivaratnam, Sivamanoharan, and Sivaloshanadevi; son-in-law Thavarajah; daughters-in-law Manimehaladevi, Anandhi, Yogeswary, Kamaladevy, Supathiradevi and Devahi; grandchildren Sutharshan, Priyatharshini, Suseenthiran, Suhanthan, Mrs Sutharshika Ramanan, Sulochan, Suthaharan, Sulakshan, Arooran, Gajamohan, Gajaharan and Vaishna.

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Ninth Anniversary Remembrance

In Cherished memory of ***Mr. Chinnathampy Rasiah*** *on the ninth anniversary of his passing away on 24.04.94.*

Deep in our hearts you will always stay
Loved and remembered every day.

Greatly loved and deeply missed by his loving wife Gunamany; beloved children Rajan and Rajini; daughter-in-law Janaki; son-in-law Lakshman; grandchildren Thabojan, Prasanth and Sulakshan; sister-in-law , nephews and nieces.

- 14 Greenbriar Avenue, Wheelers Hill, Melbourne, Vic.3150, Australia
- 7 Sessions Road, Lafayette 94549, California, USA.

Forthcoming Events

May 1 *Feast of St. Joseph*
May 2 *Kaarthikai; Feast of St. Athanasius*
May 5 *Charthurthi*
May 7 *Sasti*
May 12 *Ekaathasi*
May 13 *Pirathosam*
May 14 *Feast of St. Mathias*
May 15 *Full Moon*
May 16 *Feast of the Ascension of the Lord Jesus Christ*
May 18 *Sankatakara Charthurthi; Thirugnana Sampanthar Guru Pooja*
May 20 *Feast of St. Bernadine of Siena*
May 26 *Ekaathasi*
May 27 *Feast of St. Augustine of Canterbury*
May 28 *Pirathosam*
May 29 *Kaarthikai*
May 30 *Amavasai*
May 31 *Feast of the Visitation of Blessed Virgin Mary*

At Bhavan Centre, 4A Castletown Road,London W14 9HQ. Tel: 0207381 3086/4608.
Website: www.bhavan.net
May 10 *6.30 p.m. City of London Sinfonica and Bhawan's musicians present 'East Meets West'*
May17 *3 –4.30 p.m. Talk on 'Vedic Astro Knowledge' by Dev Vasishta from India. All Welcome.*
May 18 *6 p.m. Bharatanatyam by Priya Jayaraman from India.*
May 24 *4.30 p.m. 'Yoga in Modern Life' a lecture by Kamal Sharma. All Welcome.*

Exhibitions
May 8 – 15 *12 noon to 8 p.m. Charcoal Drawings by Mridhu Dixit.*
May 15 - June 1 *12 noon to 6 p.m. An exhibition of paintings by various artists. All Welcome.*
May 20 – June 3 *12 noon to 8 p.m. Paintings/Wall Hangings by Vasudev.*

Deepaesh's Two Arangetrams in Three months

It was a true delight to witness the Mirdanga Arangetram of twelve year old Deepaesh Sivalingam on November 30, 2002 at the Public Library Auditorium, Edmonton, Canada. He was presented by his Guru Vaddya Kalamani Tanore Swaminathan.

Deepaesh commenced the repertoire by playing for Sri Ganesha in Tilang Raga and Aadi Thala followed by Aanantha Nadam, a krithi on Lord Shiva. in Tala Rupakam. This was followed by Raga Kalyani with Kalpana swaras and Thani Aavarthanam. He was ably supported on Gangira by his Guru Sri Swaminathan and Gatam by Sri Rathiruban from Toronto. His precise rhythm on percussion was very much appreciated by applause from the audience for the Thani Aavarthanam. This was followed by 'Alai Pauthe' in Tala Aathi, 'Krishna Nee' Tala Misra Chappu and 'Theeratha Vilayatu' on Kanda Chaapu.

Following the intermission, Deepaesh accompanied the Bharatha Natya recital of his mother Dr. Kanchana Sivalingam. She performed two Pathams – Patha Chilamboli and on Krishna. Natuvangam and Jathis were rendered by Sri Swaminathan. The program concluded with Thillana performed by Kanchana and her two senior disciples Narmatha and Lavini.

The Vocalist for the Arangetram was Deepaesh's grandmother Gnana Bhoosanam Smt Ambika Thamotheram from London, UK. The Violinist was Sri Gesavamoorthy of Toronto and the program was compered by Dr. Arjuna Thiagarajah and Tarin Nathan.

The Chief Guest Mr. Koilpillai (Order of Canada) praised Deepaesh for his magnificent presentation and specially to have performed his Bharatha Natya Arangetram in September 2002 and now Mirdanga Arangetram in November 2002, an achievement not heard of.

Deepaesh was blessed by Swami Brahmanishtananda Saraswathi of Sankaracharya tradition for his devotion and commitment to learn and perform the art forms. He received a standing ovation by the audience. Deepaesh is the son of Dr. and Dr. (Mrs.) Sivalingam of Edmonton, Canada..

Bill Irvin, Edmonton, Canada.

WEDDING BELLS

We congratulate the following couple on their recent wedding.

Kesavan *son of Mr. & Mrs Suntharamoorthy of 95 Holy Road Avenue, South Harrow, Middx HA2 8UD and* ***Thanujah*** *daughter of Mr.& Mrs Thavarajalingam of Iyanar Kovil Lane, Kokuvil West, Sri Lanka on 7th April 2003 the Hotel Mount Heera, MKN Road,Alandur, Chennai, India.*

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The New Sri Murugan Temple

The Hindu temple has always shown a capacity for variation. This is inevitable given that a temple should reflect the ideals and way of life of those who built it and the community for whom it is meant to serve. But despite the diversity of architectural forms that are to be found in South Asia and other parts of the world, the correctly proportioned temple will only be manifested through the benefits it bestows on its members and the happiness and satisfaction that it reaps from them. In this utilitarian sense, above all, the new Sri Murugan Temple in east London will be contributing to a vital tradition.

The plan to build the temple had originated some years ago, but the temple officials needed to wait until sufficient space became available in the surrounding neighbourhood for a large project to become feasible. The decision to build a new temple was officially made by its Board of Trustees in January 1998. Properties were bought along the adjoining road and the local authorities granted planning permission after many years of discussion and debate. During discussions the projected size of the temple had to be reduced on the orders of the local authorities, which did not want it to overshadow neighbouring buildings.

It was a hard won decision, but once it had been secured things began to move quickly. Within 3 months, Indian sculptors were contacted and granite carvings were commissioned for the building. Padmasri M. Muthiah Sthapathi, an internationally renowned creator of Hindu temple design and sculpture, was appointed to lead the project. A team of British consultants would handle the more functional aspects of the building work.

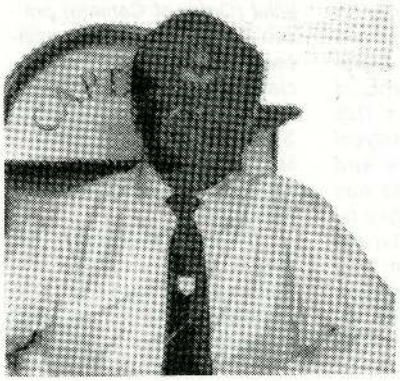
To outline the main features of the new temple, they will be, briefly: A Rajagopuram of approximately 50 feet in height, and three shrines, to Sri Ganapathi, Sri Murugan and Sri Shiva. In addition to the temple there will also be an adjoining hall for functions, library, meditation room, and cultural teaching and practice, including dance, writing and veena classes, with covered walkways connecting the hall to the temple. The present adjoining building will be completely refurbished in order to serve as a community resource centre. There will also be new flats constructed for the priests, with commercial units below the flats, and new car parking facilities will be made available. It is hoped that the main building will be completed by October 2003, with work remaining to be completed including embellishment of the walls and the inner temple. The official inauguration of the new temple is set for Spring 2004.

The money for the project has come mainly from donations by devotees of the temple, although loans were also secured from the Bank of Baroda. The temple authorities stress in their recent pamphlet that they still require donations and the continuing support of devotees in order to complete the project.

The influence of the Sri Murugan Temple on the lives of many Hindus in Britain and other parts of the world is most powerfully manifested in the annual chariot procession, which thousands of people attend, and every day worshippers come to the temple to seek guidance and spiritual consolation. The planned resource centre will attract more visitors still, helping to ensure that the temple remains a visible and accessible place, its presence an important marker of the ideals and values of its community.

Laavanyan Ratnapalan

Doctor Checks at Lee Park



Dr. N. Navaneetharajah- Dr. Navan to the many who know him – is the new Captain of Lee Park Golf Club and is seen in the above picture in the Captain's Chair.

He has been a member of Lee Park for over 13 years and plays off a 26 handicap. Although a keen golfer now, cricket was his first sporting love and he excelled at the game during his educational years. At the University of Ceylon he won all the available colours and was Captain of the cricket team.

Dr Navan has served the Merseyside area for over thirty years and is currently looking after the patients in Kirby and Croxteth regions.

He is a proud family man, his wife Beatrice is also a doctor, the daughter Prith a Specialist Registrar and son Sanjy working in Aeronautics.

With the cricketing days behind him, Dr. Navin is now concentrating on his golf and the lowering of his handicap. As Captain, he is fully aware of the proud tradition of Lee Park and hopes to attain the standard of the greats who preceded him. We wish him well.

Ontario's Five-Day Music and Dance Festival

The Annual Music and Dance Festival of Ontario's Tamil Isai Kalaamanram this year was a gala 5-day event 8, 9, 15, 16 and 22 March, the venue that overflowed its normal capacity every evening, was Toronto's Yorkwood Public Library in the neighbourhood of York University.

A popular theatre for vocal, instrumental and dance recitals, the organizers deserve praises and congratulations for staging such a grand show on successive weekends despite inclement weather and snowbound conditions. This is also a testimony to the steadily growing popularity of our cultural traditions in the fine arts of music and dance in North America.

This festival is the grand finale to the annual examinations conducted by Thamil Isai Kalaamanram, and on this 11th year, a record number of over 1500 students participated from Grade One to that of the Teacher's in Bharata Natyam, vocals and the instrumentals veena, violin, flute and mridangam.

Conducted by an independent panel of experts, more than two-thirds of the candidates successfully completed their assignments, a number of them with distinctions. Surenthar Tharmalingam, a virtual prodigy in violin and vocal who successfully completed his Teacher's Grade and dazzled the Fifth Day Festival audience with his virtuoso performance in vocal and violin observed that in today's world where knowledge has no bounds and when we crave to gain inner understanding of life in its simplicity, music is the only discipline that bridges art (kalai) and science (sastra) from their diverse circumstances.

Jamuna Jayanti Illangeswaran who also completed the Teacher's Grade, accompanied him on the violin after her own solo performance, and his highly promising brother Sujeenther Tharmalingam on the mridangam. The standard of their performance won the warm and endearing plaudits of the audience. Among the many participants on the final day, many students from Montreal gave a good account of themselves. Some of the very young dancers obviously enjoyed their stage performance and delighted their audience. On this occasion the Manram honoured two senior artistes for their expertise and for services to the community. Elder artiste Sangeetha Pooshanam Iyathurai Velauthapillai was awarded a Gold Medal and

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Sangeetha Vidwan Dhanadevi Mithradeva, the title of Violin Sudar Oli. Recently Mrs Mithradeva was acclaimed as an artiste of great calibre during the Annual Carnatic Music Festival in Chennai, India.

A unique feature of the Thamil Isai Kalaa-manram is to have become a driving force of integrity and determination to promote this art from very small beginnings. A highly motivated organization with a dedicated team of proven volunteers headed by President Thampiah Sripathy, the Manram today ranks not only as a music conservatory in the traditions of the Trinity College of Music but is also the first of its kind for Carnatic Music and Classical Indian Dance in North America. Even more, it has the elements of the ashram principles and precepts encouraging a guru shishya relationship among the teachers and the students. The teachers, to many children have become the second parents. Apart from the growing success and credibility to develop our fine arts of music and dance, the Manram is the catalyst that helps to develop a love for our time-honoured and precious traditions with dignity and discipline and encourage our children to share these with their peers in multicultural Canada.

Mr Sripathy said that he was deeply indebted to the highly committed dedication of his fellow office bearers, the members of the Manram and its numerous friends in the community. Their support, he said was generous and spontaneous.

The Manram's office-bearers apart from Mr Sripathy are: Prema Sriskandarajah (Vice President), Bala Balasubramaniam (Secretary), Kumar Punithavel and Sundaramoorthy Umasuthan (Joint Assistant Secretaries), Rajanayagam Sasinayegam (Treasurer), Erambamoorthy Vivekanandarajah (Assistant Treasurer), Kanaga Manoharan (Editor) and members of the committee, P S Soosaithasan, Thurairajah Nadarajah, Ratnam Suthanthirarajah, Rasiah Karunakaran, Sanmugam Chandrasegaran, Sithamparapillai Maheswaran and Prasanna Subramaniam. Nadarajah Nirmalan serves as auditor.

Victor Karunairajan,
Canada

Lest we forget: Sampander Nataraja

10.05.1894 to 14.04.1977

Twenty five years have passed since Mr.Sampander Nataraja passed away. He was 84 – a few days short of his 84th.birthday.

He was the eldest of the children of Sinnacutty Sampander who hailed from a highly respected family in Jaffna. It is quite interesting to note that Mr.Sampander went to practice as a lawyer in Anuradhapura in the eighties of the ninteenth century – long before the opening of the northern railway line or the advent of the automobile. He sent his son Nataraja to St.Thomas College, Colombo for his secondary education. At that time St.Thomas College was situated in Mutuwal. Having passed his Matriculation examination, Mr.Nataraja tried a short stint at teaching at Vaideeshwara Vidyalaya, Jaffna. The desire to follow in his father's footsteps was so great that he studied at the Law College and passed as a proctor and started practice at Anuradhapura in 1917. By then his father had passed away. The same year he got married. Those were days free from even a tinge of communal feeling or prejudice. All were Ceylonese and subjects of the great British Empire. Competence, merit, hard work and determination could earn for anyone name and fame. Mr.Nataraja possessed all these attributes and more than these, he had honesty and humility to crown his success in the profession. Before long the government appointed him as Crown Proctor and J.P.,U.M. He earned his money; but lived liberally and was generous to a fault. Within twelve years of his practice, he started building his house "Brindaban" – a sprawling Mahagedera surrounded by fruit trees and paddy field on a ten acre land on the Jaffna Road, a few metres from the junction of the Jaffna/Puttalam/Trincomalee roads. Two years after he went into occupation of the house, tragedy struck him and his family – his beloved wife passed away.

Apart from the brilliant success he had at the Bar, his knowledge extended to many other fields – literature(both English and Tamil), history (Sri Lankan & Indian) religion, philosophy and current events. He was an avid reader and had a photographic memory for events and places; not so much for faces! He had a passion for punctuality and his daily routine was like clockwork. Mr. Nataraja devoted time towards improving the lot of the local people and this brought him into local politics. For thirteen years continuously he was Chairman of the Anuradhapura Urban Council and each year he was uncontested. This alone will bear testimony to his popularity among the Sinhalese people who formed the bulk of the city's population. It was during his long period as Chairman that the present Town Hall and the old market were built and electricity first supplied to the town. The restoration and pinnacle ceremony of the greatest Buddhist monument in the world – Ruvanwelisaya – took place during that period. When he noticed the first sign of a contest (for chairmanship) coming, he gracefully bowed out. His interest in local affairs however continued. Along with a couple of his friends, he founded the Vivekananda Society and was its President for many years. The Society started the Vivekananda Tamil School which later became the Vivekananda Tamil Maha Vidyalaya. He was also for many years chairman of the Board of Trustees of the Kathiresan Temple which was re-located to the premises in the New Town. In all these activities, he never imposed his will or views. He would give his advice couched in precise language but in the softest tone. Most professionals and public figures are often vulnerable to criticism, jealousy and even enmity. Mr.Nataraja's greatest success was the fact that he never had any enemies. When he completed fifty years at the Anuradhapura Bar, he was honoured at a dinner given by the lawyers at the Grand Hotel. He continued for another ten years when he fell ill and was taken to Colombo for treatment. He passed away peacefully on 14 April 1977. His family had planned to have his funeral in Colombo, but a delegation of renowned citizens from Anuradhapura stormed in and prevailed on his family to have the funeral in Anuradhapura. Among the people who paid their respects in Colombo were the Governor General, William Gopalawa (also a client of his) and many cabinet ministers. The body was taken to his house, Brindaban (where no funeral had taken place earlier) and after the obsequies were performed according to Hindu rites, the citizens of Anuradhapura led the cortege to the Town Hall where the body was kept for the public to pay their last respects. Among those who paid their last respects were the high priests of the Attamasthana, cabinet ministers (past and present) from both parties and public servants. The 31st. day almsgiving (dhana) at Brindaban was largely attended by relatives, friends and the public. As if to illustrate the impermanence of men and matter, his house was also the target for the senseless violence of July 1977. It is now part of the ruins of the ancient city.

"His life was gentle, and the elements
So mix'd in him that Nature might stand up,
And say to all the world, "This was a man!"
(William Shakespeare)

- K.Jeganathan

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